

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25596 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- AMBA District- Aurangabad

1. SUNIL KUMAR @ SUNIL BHARDWAJ @ SUNIL KUMAR SHARMA
Son of Late Kalyan Sharma Resident of village-Noorpur Naniya, P.S. Glauti,
District-Bulandsahar (U.P.) at present residing at Plot 71, Block-C, Sector,
Eta-1, Greater Noida, P.S. Beta-2, District-Gautam Budh Nagar, New Delhi
2. DORJEE PHUNTSO KHRIME Son of Nima Tsering Khrine Resident of
Sanglo Potung Colony, E-41, Zoo Road, R.K. Mission, Ita Nagar Circle, P.S.
Chionpic, District-Papumpare, Arunacal Pradesh

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-05-2023 Heard the parties.

This application has been filed on behalf of the petitioners for quashing the order dated 20.01.2023 passed by learned Special Judge, Excise-I, Aurangabad in connection with Amba P.S. Case No. 34 of 2021.

The I.O. of the case is present in the Court and he submits that the trial of case has proceeded and four witnesses have already been examined.

In view of the above, this application is dismissed.

Learned counsel for the petitioners Ms. Sunita Ojha submits that the trial Court is rushing in the matter and everyday



one witness is being examined and the accused persons are not getting proper time to instruct their counsels and their counsels are not able to prepare themselves for the cross-examination.

The accused persons / petitioners of the case have right to get a fair trial and therefore the trial Court is directed not to rush into the matter and conclude the trial on day to day basis and the accused persons should be given a fair trial.

If the defence wants some time to prepare for cross-examination and wants some time gap between examination of one witness and the other witness then the Court below will consider the same in accordance with law.

While holding the trial the Trial Court must keep in mind that if it hurries in concluding the trial in such a manner that the accused persons does not get proper chance to prepare their case or their lawyers are not getting proper time to prepare their case then the trial will be held a mis-trial in appeal.

Therefore, trial Court is directed to give full opportunity to the defence.

Mrs. Ojha has also cited the judgment of this Hon'ble Court in ***Criminal Appeal DB No. 196 of 2022 (Raj Kumar Yadav Vs. State of Bihar)*** and has submitted that the petitioners should get a fair trial.



It is expected that the Trial Court will provide all the documents which are being relied upon by the prosecution to the accused persons.

The personal appearance of the police officials is dispensed with.

(Sandeep Kumar, J)

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