

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29925 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

AMIN GADI @ AMIN GADDI Son of Bulla Gaddi Resident of Village -
Babuiya, P.s.- Palanwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-12-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned APP Mr. Ramchandra Singh submits that in compliance of the order dated 06.10.2023, a counter affidavit has been filed on behalf of the Superintendent of Police, Gopalganj. It is next submitted that the Investigating Officer of the case has been suspended and a departmental proceeding also has been initiated against him. It is next submitted that F.S.L. report now has been submitted before the learned trial court.

3. The learned counsel for the petitioner submits that no doubt, the F.S.L. report now has been submitted but then it was submitted only after the order dated 16.10.2023 was passed. It is next submitted that the issue, which arose for consideration, in the present case, was whether the charge sheet submitted by the police, in absence of F.S.L. report, was a complete or an incomplete charge



sheet, if it was an incomplete charge sheet then whether the petitioner is entitled for default bail, in terms of Section 167(2) of the Cr.P.C. or not. The learned counsel further submits that had the charge sheet been submitted along with the F.S.L. report then perhaps the charges by now would have been framed but in absence of the F.S.L. report, even the learned trial court was not in a position to frame the charges, which led to incarceration of the petitioner for nearly two and a half years, which definitely is opposed to the principle of speedy trial. The learned counsel for the petitioner after making the aforesaid submission, fairly submits that since the F.S.L. report now has been submitted, as such, he is not pressing the present quashing application but then definitely the right of the accused for speedy trial has been hampered and his liberty stood fettered, in absence of the relevant document i.e. F.S.L. report. The learned counsel thus seeks permission to withdraw the present quashing application with liberty to pursue his remedy in accordance with law.

4. Permission is accorded.

5. The present quashing application is dismissed as withdrawn with aforesaid liberty.

(Satyavrat Verma, J)

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