

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1213 of 2019

Arising Out of PS. Case No.-87 Year-1999 Thana- ARA NAWADA District- Bhojpur

RAJENDRA UPADHYAY S/o Late Shri Prayag Upadhyay R/o Near Bazar
Samiti Ara, East of IOC Tower, Arrah, Anaith, Arrah, Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Through Law Secretary Govt. of Bihar, Patna. Bihar,
Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mayuri

For the Respondent/s : Mr. Gyan Prakash Ojha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 06-04-2023

Heard learned counsel for the parties.

This application is filed for quashing the order dated 03.06.2019 passed by the learned A.D.J. XII, Ara by which court below has directed to issue summons to the prosecution witnesses.

As per prosecution case, the daughter of the petitioner had lodged an F.I.R. bearing Nawada (Ara) P.S. Case No. 87/99 on 25.04.1999 under Section 498A of the Indian Penal Code and Section 3 and 4 of the Dowry and Prohibition act against her-in-laws and others.

It is submitted by learned counsel for the petitioner that with *mala fide* intention to prevent the petitioner from getting his statement recorded before the court below and to withdraw the case filed by his daughter, the police officials



arrested the petitioner. It is further submitted that against this arbitrary and illegal action of the police officials, the daughter of the petitioner filed a Miscellaneous Case No. 77/99 before the court of learned C.J.M., Bhojpur on 31.05.1999.

It is also submitted by learned counsel for the petitioner that trial is being prolonged and it is the petitioner who is suffering. It is duty of the prosecution to bring the witnesses for examination and the court below will not wait for indefinitely and the accused has also right of speedy trial.

In these circumstances, this application is disposed of with direction to the A.D.J.-XII, to conclude the Sessions Trial No. 95/2009 within a year from the date of receipt of the copy of this order.

In these circumstances, this application is disposed of with a direction to the A.D.J.-XII, Ara to conclude the Sessions Trial No. 95/2009 within a year from the date of receipt/production of a copy of this order. The trial court shall sent a report before this Court after concluding the trial as per the direction of this Court.

(Sandeep Kumar, J)

Ranjeet/-

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