

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1314 of 2017

Arising Out of PS. Case No.-110 Year-1996 Thana- GAYA MUFASIL District- Gaya

Renu Devi

... .. Petitioner/s

Versus

- 1.The State Of Bihar Through Home Secretary, Government Of Bihar
- 2.The Director General of Police, Bihar, Patna
- 3.The Inspector General(Prosecution), Govt. Of Bihar, Patna
- 4.The District Magistrate, Gaya.
- 5.The Senior Superintendent of Police, Gaya.
- 6.The Sub Divisional Police Officer, Wazirganj, District- Gaya.
- 7.The Station House Officer, Muffasil Police Station, District-Gaya
- 8.The Judgeship of Civil Court, Gaya through its Registrar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Prabhat Kumar Verma AAG-3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed for quashing of order dated 24.05.2017 passed by Chief Judicial Magistrate, Gaya in connection with Gaya Muffasil P.S. Case No. 110 of 1996 against the petitioner for the offences under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The following report has been received from the District & Sessions Judge, Gaya :-

*(1)With reference to the
aforementioned subject and e-mail, this is to*



report in compliance with the direction as contained in Hon'ble Court's order dated 27-02-2023 passed in OWJ.C. no. 1314 of 2017 arising out of Muffasil P.S, case no. 110 of 1996 that report concerning the original case record of Muffasil P.S. case no. 110 of 1996 was sought from the Court of learned C.J.M., Gaya.

(2)The learned L/C C.J.M., Gaya in its letter no. 209 dated 18-03-2023 (copy attached-annexure-01) reported that original case record of Muffasil P.S. case no. 110 of 1996 was committed on 13-08-1998 and the supplementary case record is related with the Court of Sri Anup Kumar Mishra, J.M. 1st Class-cum-Additional Munsif, Gaya.

(3)Sri Anup Kumar Mishra, learned J.M. 1st Class-cum-Additional Munsif, Gaya has submitted his report in this regard vide letter no. 91 dated 23.03.2023 (copy attached-annexure-02).

(4)Later supplementary case record record of Muffasil P.S. Case No. 110 of 1996 (State of Bihar Vs Arbind Singh) has been called for from the Court of Sri Anup Kumar Mishra, Learned J.M. 1st Class-cum-Additional Munsif, Gaya alongwith the original disposed of case record of S.Tr. No. 58/2002/310/1998 of Muffasil P.S. Case No. 110 of 1996 (State of Bihar Vs Munshi Chaudhary).

(5)A close scrutiny of the report as submitted by Sri. Anup Kumar Mishra, J.M. 1st Class-cum-Additional Munsif, Gaya alongwith the supplementary case record of Muffasil P.S. case no. 110 of 1996 (State of Bihar Vs Arbind Singh) as well as original disposed of case record of S.Tr. no. 58/2002/310/1998 of Muffasil P.S, case no. 110 of 1996 (State of Bihar Vs Munshi Chaudhary) reveals that Muffasil P.S. case no. 110 of 1996 was registered U/s 302/34 of I.P.C and 27 Arms Act, while cognizance of



offense was taken U/s 302/34 of I.P.C. by the then learned C.J.M., Gaya vide order dated 28-06- 1997 (copy attached- annexure-03) against (1) Arvind Singh (2) Upendra Mahta (3) Dinesh Mahto (4) Ganesh Chaudhary (5) Munshi Chaudhary and the record was sent to the Court of Id. J.M. 1" Class, Gaya Sri Mahaveer Kumar for further proceeding.

(6)Thereafter, the Court of Sri Mahabeer Kumar, J.M. 1" Class, Gaya, vide its order dated 12-08-1998 (copy attached- annexure- 04) ordered to open split-up file of the four absconding Accused namely (1) Arvind Singh (2) Upendra Mahta (3) Dinesh Mahto (4) Ganesh Chaudhary and vide order dated 13-08-1998 (copy attached annexure-05) committed the case record of Munshi Chaudhary to the Court of Sessions.

(7)In the committed case record of State Vs Munshi Chaudhari, the original F.I.R., Fard-bayan, charge-sheet, case diary and commitment order were also sent, which are still available in the case record, which was later disposed of by the learned F.T.C.- II, Gaya vide judgement dated 31-07-2003. The availability of original documents related with Muffasil P.S. case no. 110 of 1996 like F.I.R., Fard-bayan, charge-sheet, case diary and commitment order in committed record of S.Tr. no.58/02/310/98 is also corroborated by the order of C.J.M. Gaya dated 15-05-2017 (copy attached- annexure-06)

(8)Meanwhile one absconding accused Arbind Singh was arrested by the Police and produced in the Court of Id C.J.M, Gaya on 24-08-2016 for remand, which could not take place due to the absence of the split-up case record of the four absconding accused of Muffasil P.S. case no. 110 of 1996. After intense and



serious search, it has come to light that though the split-up case record of above four absconding accused of Muffasil P.S. case no. 110 of 1996 was deposited by Sri Siddheshwar Nath, the then Office Clerk of the Court of Sri Mahabeer Kumar, the then J.M. 1st Class, Gaya in District Record Room, Gaya in August 1998, the same has not yet been returned to the concerned Court despite repeated demands. In this regard, the District Record Room, Gaya has reported vide its letter no. 415 dated 03-10-2017 (copy attached- annexure-07) and letter no. 222 dated 20-03-2023 (copy attached- annexure-08) that the original case record Muffasil P.S. case no. 110 of 1996 is traceless and the same would be made available to the Court as soon as it is traced out.

(9) Subsequently, a supplementary case record of accused Arvind Singh was opened in the learned Court of C.J.M., Gaya and he was remanded to the Central Jail, Gaya and vide D.J. order no. 81/2022 dated 15-07-2022 (copy attached annexure-09) the supplementary case was transferred to the Court of Sri Anup Kumar Mishra, J.M. 1st Class, Gaya from the Court of C.J.M., Gaya, for further proceeding.

(10) This is my report with a request to your goodself to place it before the Hon'ble Court, for information and needful direction, if any.

This application has been filed on behalf of wife of accused Arvind Singh.

In view of the report, no relief can be granted to the petitioner who has challenged the order dated 24.05.2017. The petitioner is the wife of accused Arvind Singh and if Arvind



Singh has any grievance, he can raise the grievance in the proceedings which are pending in the court below.

In view of the report dated 25.03.2023 passed by learned District & Sessions Judge, Gaya, this application is dismissed.

(Sandeep Kumar, J)

Harsh/

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