

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20020 of 2023

Arising Out of PS. Case No.-117 Year-2019 Thana- GORAUL District- Vaishali

NASIM AHMAD @ MD. WASIM Son of Shabbir Ahmad Resident of
Hasanpur Gangati @ Rasulpur Gangati, P.S.- Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 21.01.2023 passed in Tr. No. 198 of 2022, arising out of Goraul (Katahara O.P.) P.S. Case No. 117 of 2019 by the learned Sessions Judge, Vaishali, whereby the application filed for discharge of petitioner under Section 227 of the Cr.P.C. has been rejected.

3. At the outset, learned counsel for the petitioner submits that during pendency of the case, charge has already been framed and evidences are being led by the prosecution.

4. The Hon'ble Supreme Court, in the case of **Ratilal Bhanji Muthani vs. State of Maharastra**, reported in **A.I.R.**



1979 SC 94 and in the case of **Stree Atyachar Veerodi Parishadh vs. Dilip Nathumal Chordiya**, reported in **1989 S.C.C. (1) 715**, has held that after framing of charge, the question of discharge does not arise. Once charges are framed under Section 228 of the Cr.P.C., there is no back-gear for discharging the accused under Section 227 of the Cr.P.C.

5. Considering the law laid down by the Hon’ble Supreme Court in aforesaid cases (supra), the petition is dismissed.

6. Accordingly, this petition stands dismissed as infructuous.

(Prabhat Kumar Singh, J)

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