

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25125 of 2021

Arising Out of PS. Case No.-63 Year-2011 Thana- TARAPUR District- Munger

MANILAL SAH S/o Late Kukaru Sah R/o village- Purani Bazar Tarapur,
P.S.- Tarapur, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. TUNTUN SAH S/o Brihaspati Sah R/o village- Purani Bazar Tarapur, P.S.-
Tarapur, District- Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and Mr.
Umeshanand Pandit, learned A.P.P. for the State.

2. This application has been filed for quashing of order dated 03.03.2020 passed by learned Additional District Judge- 1st, Munger in S.T. No. 590/2012 whereby the petition under Section 216 Cr.P.C. filed by the informant with a prayer to add charge under Sections 341, 323, 325, 504 of the Indian Penal Code against the accused persons, after closing the evidence and at the stage of argument was allowed.

3. Learned counsel for the petitioner submits that the learned court below, while passing the impugned order against the petitioner, has acted in a mechanical manner and has failed to apply the judicial mind which has resulted in miscarriage of



justice. He next submits that while passing the impugned order against the petitioner, the court below has failed to scrutinize the materials available on record and without considering the counter case filed by the petitioner which is pending before the trial court. He lastly submits that the trial court has failed to consider that earlier petition of the informant under Section 216 Cr.P.C. has been dismissed on 13.06.2019 by learned Sessions Judge, Munger and as such, order dated 03.03.2020 passed by learned Additional District Judge- 1st, Munger in S.T. No. 590/2012 is fit to be quashed.

4. Learned A.P.P. for the State opposes the application and submits that there is no time limit fixed under the Cr.P.C. for addition of charge or for filing of application for addition of charge under Section 216 Cr.P.C. Such petition cannot be filed till judgment is pronounced. He next submits that learned trial court after taking into consideration the entire materials and facts passed the order and there is no illegality in the impugned order and as such, no interference is required by this Court at this stage.

5. Heard the submissions made on behalf of the parties and perused the materials available on record. From perusal of the impugned order, it is apparent that after



considering the materials available on record and deposition of the witnesses, the court below has passed the impugned order and has come to the conclusion that there is *prima facie* material available on record for addition of charge under Sections 341, 323, 325, 504 of the Indian Penal Code against the petitioner. As such, I do not find any illegality or irregularity in the impugned order dated 03.03.2020 passed by learned Additional District Judge- 1st, Munger in S.T. No. 590/2012.

6. This quashing application is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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