

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.856 of 2024

Arising Out of PS. Case No.-1781 Year-2014 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Dev Raj Dev S/O Ram Chandra Bhagat R/O Shiksha Nagar, Banmankhi, P.S-
Banmankhi, Purnea, Presently Posted As Vice-Chairman, Science City,
Residing At Gandhi Mandapam Road, Guindy, Tamil Nadu-600025.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Secretary-Cum-Legal Remembrancer, Law
Department, Govt. Of Bihar Bihar
2. Pritam Choudhary W/O Dev Raj Dev, D/O Dr. Pravin Kumar Choudhary
R/O Navratan Hata (NEAR The Residence Of Sub-Divisional Officer), P.S-
K. Hat, Distt.- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nikhil Kumar Agrawal, Adv.
For the Respondent/s : Mr. Sanjay Kumar, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 21-08-2024 This petition has been preferred by the petitioner
seeking the following reliefs:-

a) To issue an appropriate writ(s)/
order(s)/ direction(s) in the nature of
Mandamus, directing the Learned Trial
Court to dispose of the trial as per the
directions of this Hon'ble Court dated
23.01.2018 passed in Criminal Revision
No. 928/2017 whereby and whereunder
this Hon'ble Court had directed the trial
court to conclude the trial expeditiously
and preferably within a period of six
months.

b) To monitor the proceedings of the



trial by this Hon'ble Court in view of the fact that the trial is not being concluded despite specific directions of this Hon'ble Court.

2. This is the second round of litigation.

3. Earlier the petitioner filed a Criminal Revision No. 928/2017 which has been disposed of by a Co-ordinate Bench of this Court on 23.01.2018 annexed as Annexure 'P/2'. While disposing of the said revision petition, this Court directs the concerned Trial Court to take all possible steps to expeditiously conclude the trial, preferably within a period of six months from the communication/ production of a copy of order of the Court dated 23.01.2018.

4. Learned counsel for the petitioner submits that after a lapse of more than six years, the complaint case is still pending and has not been decided yet by the concerned trial court. Referring to the Paragraph '10' of this petition, he submits that on 27.04.2018, both the parties have closed their evidence and thereafter on 16.11.2022, complainant concluded their argument and on 15.02.2023, the argument of the accused persons have also been concluded. Thereafter on 27.02.2023, the complainant filed an application under Section 340 Cr.P.C. before the Trial Court and the said application is still pending.



He further submits that as of now, no Presiding Officer is posted there and the court is lying vacant, therefore, learned counsel prays that this petition may be disposed of directing the concerned Trial Court to firstly decide the application under Section 340 of Cr.P.C. as early as possible within a specific period fixed by this Court and he further prays that the concerned District Judge may also be directed to monitor the progress of the said complaint case.

5. Learned counsel for the respondent does not oppose the prayer made by learned counsel for the petitioner.

6. On the basis of the above submissions made by both the parties, this petition is disposed of. The Trial Court is directed to decide the application under Section 340 of Cr.P.C. as early as possible, preferably within three months from the joining of the new Judicial Magistrate in the concerned court. It is further directed that after joining of the concerned Magistrate, the District Judge will also monitor the progress of the said complaint case.

7. With the aforesaid observation, this petition is disposed of.

(Arvind Singh Chandel , J)

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