

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33854 of 2023**

Arising Out of PS. Case No.-9 Year-1990 Thana- KOCHAS District- Rohtas

DHARMENDRA KUMAR SON OF CHANDRA BHUSHAN SINGH R/O  
SUSHILA BHUSHAN NIWAS, JAKARIAPUR, NEAR KRISHNA  
NIKETAN SCHOOL, P.S. RAM KRISHNA NAGAR, PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 32102 of 2023**

Arising Out of PS. Case No.-9 Year-1990 Thana- KOCHAS District- Rohtas

DHARMENDRA KUMAR S/o Chandra Bhushan Singh R/o Sushila Bhushan  
Niwas, Jakariapur, Near Krishna Niketan School, P.S.-Ram Krishna Nagar,  
Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 32181 of 2023**

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

DHARMENDRA KUMAR S/o Chandra Bhushan Singh R/o Sushila Bhushan  
Niwas, Jakariapur, Near Krishna Niketan School, P.S.-Ram Krishna Nagar,  
Patna

... .. Petitioner/s

Versus

State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 33854 of 2023)

For the Petitioner/s : Mr.Rana Vikram Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

(In CRIMINAL MISCELLANEOUS No. 32102 of 2023)

For the Petitioner/s : Mr.Dhananjay Kashyap

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

(In CRIMINAL MISCELLANEOUS No. 32181 of 2023)

For the Petitioner/s : Mr.Dhananjay Kashyap



For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

3      16-07-2024                      Heard the learned counsel for the parties.

2. By filing these writ petitions, the petitioner has  
prayed for the following reliefs:-

“1. For quashing / setting aside the order dated 11.04.2023 passed by Learned Additional Sessions Judge 1, Sasaram by which a fine of Rs. 10,000 (Rupees Ten Thousand) has been imposed on the petitioner during the trial of Sessions Trial Case No. 372/1996 arising out of Kochas P.S. Case No. 09/1990.

2. For quashing / setting aside the order dated 17.04.2023 passed by Learned Additional Sessions Judge 1. Sasaram by which a fine of Rs. 1 Lakh has been imposed on the petitioner during the trial of Kochas P.S. Case No. 09/1990 registered under Section 366, 366(A), 376, 380, 411/34 of Indian Penal Code.

3. For quashing / setting aside the order dated 02.05.2023 passed by Learned Additional Sessions Judge 1, Rohtas at Sasaram by which a fine of Rs. 50,000 (Rupees Fifty Thousand) has been imposed on the Petitioner during the trial of Sessions Trial Case No. 434/2013.”

3. As per the prosecution case, due to non-compliance of the order of the court below, the court below imposed fine upon the petitioner and the court below directed that the same be deducted from the salary of the petitioner.

4. Learned counsel for the petitioner submits that



the petitioner is an I.A.S. Officer and presently posted as District Magistrate, Rohtas, Sasaram. He further submits that impugned orders dated 11.04.2023, 17.04.2023 and 02.05.2023 has been passed in an arbitrary manner without application of mind.

5. Learned counsel for the petitioner next submits that it is abundantly clear from the bare perusal of the entire orders that the petitioner has complied with the orders passed by the court below and conducted the inquiry and submitted a report thereof. The petitioner received the order dated 16.01.2023 on 25.03.2023 which was duly complied by the petitioner. He next submits that the Petitioner cannot be held personally liable for completion of the trial and the report was duly submitted after requisite inquiry and as such no negligence is made out on the part of Petitioner.

6. Learned counsel for the petitioner next submits that the Court below has failed to appreciate that the imposition of fine is a form of punishment as defined under Section 53 of Indian Penal Code, 1860 and as such imposition of such punishment without granting any opportunity of being heard is illegal, unjust and arbitrary. He next submits that from perusal of the entire order, it becomes clear that the Court below has



made attempts to enforce the appearance of the accused and for production of case diary and as such the petitioner was directed to conduct an inquiry about the fact of non- production of case diary.

7. I have considered the submissions of the learned counsel for the petitioner.

8. It has been submitted that the petitioner had complied with the direction of the Additional Sessions Judge-I, Sasaram and there was no occasion for imposition of fine upon the petitioner. The cost of has been imposed without issuing any notice and without hearing the petitioner.

9. Once the order of the Additional Sessions Judge-I, was complied, no cost should have been imposed upon the petitioner that too without hearing the petitioner.

10. In these circumstances and in the interest of justice, this application is allowed and the impugned orders dated 11.04.2023 by which a fine of Rs. 10,000 (Rupees Ten Thousand)passed by Learned Additional Sessions Judge 1, Rohtas at Sasaram, the order dated 17.04.2023 passed by Learned Additional Sessions Judge 1, Rohtas at Sasaram by which a fine of Rs. 1,00,000/- (One Lakh) and the order dated 02.05.2023 passed by Learned Additional Sessions Judge 1,



Rohtas at Sasaram by which a fine of Rs. 50,000 (Rupees Fifty Thousand) has been imposed on the petitioner are hereby quashed.

**(Sandeep Kumar, J)**

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