

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7642 of 2023

Arising Out of PS. Case No.-293 Year-2015 Thana- SUPAUL District- Supaul

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Digambar Jha Son of Lambodar Jha Resident of Village- Panchgachia, P.S.-
Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 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 22.06.2022 passed by learned Judicial Magistrate 1st Class, Supaul in G.R. No. 1131 of 2015, arising out of Supaul P.S. Case No. 293 of 2015 whereby the discharge petition filed on behalf of petitioner 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.

(Prabhat Kumar Singh, J)

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