

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.168 of 2023

Arising Out of PS. Case No.-6 Year-2013 Thana- VIGILANCE District- Patna

Rajnandan Kumar Shyamla Son of Late Mohan Paswan R/o Indu vila,
Chariya Bariyarpur PS- Sripur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-03-2024 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 25.11.2022 passed by the learned Special Judge, Vigilance, Patna in Special Case No. 2 of 2013, arising out of Vigilance P.S. Case No. 6 of 2013. By the said order, the learned Special Judge has rejected the application filed for discharge of petitioner and directed for framing of charge against him.

3. At the outset, learned counsel for the petitioner submits that during pendency of the case, charge has already been framed and case is running for prosecution evidence.

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 present petition is dismissed.

(Prabhat Kumar Singh, J)

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