

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1581 of 2024

Arising Out of PS. Case No.-247 Year-2019 Thana- SOHSARAI District- Nalanda

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Hafiz Md. Minhajuddin @ Md. Hafiz Minhajuddin S/o Maulana Abdul
Mateen R/o Mohalla - Basar Bigha, P.S. - Sohsarai, Distt. - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar S/o Sri Dinesh Chaudhary R/o vill - Kalyanpur, P.s - Bihar,
Distt. - Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Indu Bhushan, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 13-02-2025 Heard learned counsel for the appellant, the State and

the informant.

2. The present appeal has been filed:

*for quashing the impugned order
dated 07.01.2020 passed in SC/ST Case
No.181 of 2019(arising out of Sohsarai P.S.
Case No.247 of 2019) passed by the learned
court of Additional Distirct Judge-VIth
Nalanda, Biharsharif-cum-Special Judge,
SC/ST Act, whereby and whereunder charges
under section 406,420 of the I.P.C. and 3(i)(r)
(s) of SC/ST Act has been framed against the
appellant.*

3. With the consent of the parties, the appeal is being



taken up for hearing.

4. The written report of the respondent no. 2 alleges that the appellant for selling of the land came to an agreement of Rs. 68,00,000/- out of which Rs. 15,00,000/- was paid in cash on 26.06.2018 while Rs. 15,00,000/- on 06.08.2018 (totaling Rs. 30,00,000/-). Later, it was informed that the land is disputed later and he filed a Title Suit no. 181 of 2018 against his neighbour. Further, on the date of registration on 31.12.2018, he told that now there is a title suit where status quo order to be maintained. The injunction order passed in Title suit was rejected on 03.08.2019 whereafter, the respondent no. 2 thereafter once again wanted the execution of the sale deed but the same was not done and abusing his caste name, the accused chose to look the other way. This led to the case.

5. The police submitted charge-sheet on 30.11.2019 which followed cognizance of the offence under Section 406, 420 of the IPC and 3(i)(r)(s) of the SC/ST Act on 24.12.2021. Thereafter, the charges were framed on 07.01.2020.

6. It has also been informed by the parties appearing here that the case thereafter moved when four years later, the appellant preferred the appeal.

7. It is the case of the appellant that it is a civil dispute, no caste name was taken/abused and mainly to put pressure, the



present case. Further, he is ready to return the amount.

8. Learned Spl. P.P. as also learned counsel appearing for the informant, on the other hand, opposes the prayer submitting that the matter is of the year 2019, charge-sheet was submitted and charges framed in the year 2020 when the appellant had sufficient time to return the amount. He however, chose to look the other way and only when the case commenced, sensing adverse order, four years later, he has challenged the said order which clearly is an afterthought and to save his skin.

9. Having heard the parties and perusing the record, certainly, there is an inordinate delay in approaching the Court. Not only the cognizance was taken in the year 2019, the charges framed in the year 2020, had the appellant been positive, he could have taken steps which he now intends to do before the concerned Court to put the matter to an end. Instead, he is trying to linger the legal process.

10. In that background, no interference is required. Both the **Cr. APP (SJ) No. 1581 of 2024** and **I.A. No. 01 of 2024** stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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