
(2010) 04 PAT CK 0014
In the Patna High Court

Guru Dayal Singh @ Khokha Singh

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 09-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 227, 482
Penal Code, 1860 (IPC) — Section 201, 227, 302, 394, 411

Citation : (2010) 04 PAT CK 0014

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—No one appears on behalf of the petitioner either to press this petition or to make a prayer for adjournment.

2. Sole petitioner, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, has prayed for quashing of order dated 10.3.1999 passed by Additional Sessions Judge 3rd, Rohtas at Sasaram. By the said order, learned Additional Sessions Judge has rejected the petition filed on behalf of the petitioner u/s 227 of the Code of Criminal Procedure for his discharge.

3. On perusal of record, it is evident that in the present case, a truck, which was loaded with some kirana articles while coming from Haryana and going to Aurangabad was looted. The said truck was looted by the accused persons and in the said occurrence, driver of the truck was also murdered. Accordingly, a case vide Dehri P.S. Case No. 6 of 1997 was registered for the offences under Sections 302, 201, 394 and 411 of the Indian Penal Code. It appears that some of the looted articles were recovered from the premises of the petitioner.

4. After investigation, police submitted charge sheet and case was committed to the court of Sessions. At the stage of charge, a petition was filed u/s 227 of the Cr.P.C. on behalf of the petitioner for his discharge. Learned 3rd Additional Sessions Judge after hearing the parties and examining the record including the

case diary by its order dated 10.3.1999 had rejected the discharge petition.

5. Aggrieved with the rejection of the discharge petition vide order dated 10.3.1999 passed by 3rd Additional Sessions Judge, Rohtas at Sasaram, the petitioner approached this Court while invoking its inherent jurisdiction. By an order dated 30.7.1999, this petition was admitted for hearing and while admitting the case for hearing, this Court directed that during the pendency of this application, further proceedings with regard to petitioner, namely, Guru Dayal Singh @ Khokha Singh, in Sessions Trial No. 592 of 1997/Tr. No. 167 of 1997 pending in the court of 3rd Additional Sessions Judge, Rohtas at Sasaram, shall remain stayed and thereafter, stay order is still continuing. It appears that after obtaining the order of stay, the petitioner has lost his interest in the present case and due to that reason, at the time of hearing, none has come forward either to press this petition or to make a prayer for adjournment.

6. I have examined the impugned order and the petition, I am of the view that while rejecting the discharge petition, the learned Additional Sessions Judge has committed no error.

7. Accordingly, I do not find any merit in this case and petition stands rejected.

8. In view of rejection of this petition, interim order of stay, which was passed on 30.7.1999, automatically stands vacated.

9. Let a copy of this order be communicated to the court below forthwith.

10. In this case, earlier copy of case diary was called for and same is lying on the record of the case.

11. Office is directed to remit back the case diary to the court below.