
(2010) 04 PAT CK 0073
In the Patna High Court

Kamaleshwari Bhagat and Others

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 27-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 364

Citation : (2010) 04 PAT CK 0073

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—Seven petitioners, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, have prayed for quashing of order dated 16.9.1999 in Sessions Trial No. 149 of 1998. By the said order, the learned 3rd Additional Sessions Judge, Saharsa has framed the charge u/s 364 of the Indian Penal Code against seven accused persons. In this Seven petitioners, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, have prayed for quashing of order dated 16.9.1999 in Sessions Trial No. 149 of 1998. By the said order, the learned 3rd Additional Sessions Judge, Saharsa has framed the charge u/s 364 of the Indian Penal Code against seven accused persons. In this case, since 15.3.2000, order of stay is continuing. On 15.3.2000, the present application was admitted and while admitting the case, this Court had directed that pending disposal of this application, further proceedings in Sessions Case No. 149 of 1998 pending in the court of Sri S.S. Sharma, 3rd Additional Sessions Judge, Saharsa shall remain stayed.

2. I have examined the impugned order. Surprisingly, while filing the present petition except impugned order, nothing has been brought on record by the petitioners.

3. I am of the view and while framing charge by its order dated 16.9.1999, the 3rd Additional Sessions Judge has committed no error. Accordingly, I do not find

any merit in the present petition and petition stands rejected.

4. in view of rejection of the present petition, interim order of stay stands automatically vacated. Since the present case was kept pending before this Court for about ten years, it would be appropriate to direct the trial court to conclude the trial expeditiously.

5. With above observation and direction, the petition stands rejected.

6. n this case, earlier lower court record was called for and same was received and is kept on record.

7. In view of rejection of this petition, the office is directed to immediately remit back the entire lower court records to the court below along with a copy of this order.