

IN THE COURT OF 7TH ADDL. DISTT. & SESSIONS JUDGE, BHAGALPUR

S. T. No. 266/2019

Md. Kasim Mansuri petitioner

Versus

State of Bihar Opp. Party. '

ORDER

02-08-2019 Heard the learned Advocate appeared on behalf of Md. Kasim Mansjri and the learned Addl. P. P. in respect of application dated 24.06.2019 filed U/s 227 Cr.P.C in which it has been stated that the petitioner was not named in the FIR and the witnesses of the occurrence have not stated the name of the petitioner during their statement and nothing has been recovered against the petitioner. It was also submitted that no TIP has been conducted against the petitioner and non-availability of the call details in respect of the petitioner also pointed out and submitted that there is no legal evidence against the petitioner to proceed further and if there is no material against the petitioner and he is charged there will be misuse of Sec. 226 of Cr.PC and will not serve the purpose. It was also submitted that the learned CJM was pleased to take cognizance and committed this case to the court of Sessions for trial by only supplying supplementary case diary. In para-1 to 22 and the revision petition bearing No. 82/2019 and the same has been stated admitted and pending before A.D.J-8 for final hearing hence it is a good to discharge the petitioner having no material against him for the ends of justice.

The learned A.P.P. opposed the prayer and submitted that there is sufficient material against this petitioner and all other accused persons facing trial have been convicted hence this application appears without merit hence the same is worth to be rejected.

Having regards to the facts it is the separate case out of S.T. Case No. 539/2018 in which the accused persons who faced trial have been convicted and there is a case of Dacoity against unknown and during investigation their location and identification were brought into the notice and the petitioner appears relative of one of the accused and during investigation he was found involved in the case and charge sheet appears submitted and accordingly cognizance and commitment appears took place and it is also important to be noted here that the order against cognizance is still pending before the other Sessions court, hence the instant application appears not proper and seeing the nature of the case, it appears not proper to allow the application of the petitioner dated 24.06.2019 and the same is rejected and the petitioner is directed to appear before the court for framing of charge on the next date.

7th Addl. Distt. & Sessions Judge,
Bhagalpur