

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-I,
SESSION TRIAL NO. 640/2018**

Reg. no. 640/2018

03-10-2019 Already heard both sides on the petition dated 23.01.2019 filed u/s 227 Cr.P.C. on behalf of accused person namely Sudarshan Mahto in connection with this S.T. No-640/2018 (Arising out of Dulhin Bazar P.S. case No.- 86/2018) registered u/s 302, 201/34 of the I.P.C.

After Placing the innocence & false implication of Petitioner, the learned defence counsel frankly submitted that though the Petitioner is not named in F.I.R. but Charge Sheet has been submitted u/s 302, 201/34 of the I.P.C. It is also submitted that during course of investigation I.O. has not found any concrete evidence against this petitioner but he has submitted charge sheet against this petitioner under the aforesaid section of the I.P.C. in routine way. So this petitioner is liable to be discharged.

On the other hand. The learned A.P.P. submitted that there is enough material against the petitioner in the case diary and on the basis of which cognizance has also been taken against the petitioner vide order dated 06.09.2018 u/s 302, 201/34 of the I.P.C. and thereafter the case has been received in this court for trial and disposal. So this petitioner is not liable to discharge.

Perusal the case record as well as the Case diary. This case relates to murder of diseased Ram Ekbal Sao @ Sikhlu Sao, who is the husband of the informant. Petitioner is not named in the F.I.R. but witnesses in Paragraph No. 46 of the case diary have supported the allegations against the petitioner. Moreover in Paragraph No. 57 the confessional statement of the accused petitioner and Paragraph No. 58 the confessional statement of the co-accused has been mentioned in which they confessed their guilt regarding murder of the husband of the informant. Postmortem report of deceased is mentioned in Paragraph No. 69 of case diary, which support the date, place and time of occurrence. Police after investigation of the case also submitted Charge-Sheet against the petitioner also u/s 302, 201/34 of the I.P.C.

So considering the aforesaid facts I find sufficient material against the accused petitioner for committing murder to the informant husband. As such I find no merit in the submission advanced on behalf of the defence. Hence the petition so filed u/s 227 of the Cr. P.C on behalf of accused petitioner stands rejected accordingly. Put up on 06.11.2019 for framing of charge. Petitioner is directed to remain physically present on the date fixed for framing of charge.

(Dictated)

A.D.J.-Ist, Danapur