

In the court of BRAJESH KUMAR SINGH
Additional Sessions Judge, Danapur
Session Trial No:- 230 (A)/2017
{Arising out of Bihta P.S Case No.-840/2016}

Sonu Kumar

..... Accused Person

Versus

The State of Bihar

..... Prosecution

ORDER
12-05-2023

Appearance for the Parties:-

Shri Ashok Kumar Singh, Ld. Counsel for the Informant
Shri Ramkeshwar Pd. Ld. Addl. P.P for the State.
Satyendra Kumar Yadav, Informant

At 11.00 A.M

Appearance slips on behalf of the accused Sonu Kumar as well as the informant Satyendra Kumar Yadav were filed and were taken into the records. However, when the calls were made, only informant-Satyendra Kumar Yadav appeared, but Sonu Kumar has not appeared physically in the court.

At 12.00 PM

Again, the name of Sonu Kumar was called out by the Peon of the court in a very loud voice outside the court room, but nobody appeared on behalf of the Sonu Kumar nor the Sonu Kumar himself appeared.

At [✓]1:15 P.M

Again the call was made seeking the appearance of the accused Sonu Kumar, but the accused Sonu Kumar did not appear. As per Ld. Addl. P.P and his junior, Accused Sonu Kumar was found strolling outside the court room along with his earlier counsel-Suraj Abhishek.

At 4:15P.M

Again the call was made seeking the appearance of the accused Sonu Kumar, but Sonu Kumar did not appear. Ld. Addl. P.P is present in the court. He submits that the accused has met him outside the court, but he told him that he would not appear in the court physically. Ld. Addl. P.P made submissions that this accused has been obstructing the proceedings since beginning and he has been wasting the time of the court since inception, hence, no useful purpose would be served by giving him another time for advancing his arguments. I find force in the submissions of the Ld. Addl. P.P. It appears that accused-Sonu Kumar is deliberately avoiding the appearance in the court. This conduct of the accused amounts to breach of conditions of the bail and for this breach,

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his bail bonds are liable to be canceled. However, I don't want to waste the further time of the court by cancelling his bail. Today, the case was fixed for hearing the arguments of the accused person finally. However, neither accused appeared physically nor any application U/s-317 is filed, nor any written application seeking any adjournment was filed. Merely filling appearance slip will not excuse the accused from the requirement of his physical appearance as per the mandate of Cr.P.C. It is relevant to note that since the last four occasions i.e. 21-03-2023, 24-03-2023, 12-04-2023 and 28-04-2023, the accused has been forcing the court to grant the adjournments and has not been availing the opportunities granted to him for placing his arguments in the case. The accused has not utilised the opportunity granted to him by this court very leniently. From the conduct of the accused, it appears that accused has no interest in placing his arguments and he is more interested in delaying the outcomes of this case. Hence, this court is constrained to proceed with the note that the accused has lost the golden opportunities for five times at this stage. It is relevant to point out that at every stage accused has prevented this court from conducting the case smoothly. Accused appears to be more interested in filing malicious petitions against the judicial officer than pursuing his case. At the charge framing stage, accused has wasted as many as 12 opportunities on the ground that he has preferred quashing petition before the Hon'ble High Court despite Hon'ble High Court never granted the stay of the proceeding. Thereafter, he let the prosecution evidence delayed on one pretext over other. He filed multiple transfer petitions delaying the trial at every stage. His all the transfer petitions were rejected by the Hon'ble Sessions Judge. His favourite pastime appears to be levelling allegations against the judicial officer in as much as he has filed scores of petitions against the judicial officer before the Ld. District & Sessions Judge, Patna, Hon'ble Inspecting Judge, Hon'ble Chief Justice of Patna High Court and Hon'ble Chief Justice of India with the sole intention to harass, malign and demoralize the judicial officer. His earlier counsel tried to intimidate and harass the judge ^{whose} ~~show~~ conduct is already recorded in the previous order. From the conduct of accused, it is amply clear to me that this accused has no intention to avail the opportunity of advancing arguments on his behalf in as much as he has wasted complete five dates of this court at this stage. This court has waited enough and granted the ample opportunity at every stage (from framing the charge to evidence stage to arguments stage). Accused earlier expressed his desire to get order of stay from Hon'ble High Court, but accused did not show any order of either, Hon'ble High Court of Patna or the Hon'ble Supreme Court. No accused has absolute right to stay the proceeding or stall the trial. Finding no other option, this court is constrained to post this matter for the judgment on 24-05-2023. Hence, post this matter for the judgment on 24-05-2023. Let the accused remain present on 24-05-2023 in the court for hearing the judgment.

Dictated

B. Singh
12/05/2023

A.D.J-VI