

In the Court of Additional Session Judge-III
Vaishali at Hajipur

S.Tr. No. 535/2017

05.01.2021

Case called and accused Krishna Kant Kumar appeared with Ld. Counsel.

Perused the record.

In present case accused has filed Cr. Misc. No. 4764 of 2017 for quashing of order dated 20-09-2014, whereby cognizance was taken against the accused under sections 366/376 of I.P.C., which was also affirmed and upheld in Cr. Rev. No.229 of 2016. Hon'ble Court has stayed further proceedings with respect to the petitioner before the court below vide order dated 13-11-2019.

Hon'ble Patna High Court has communicated vide letter no. 52772-52809 dated 19-12-2020 regarding order dated 09-11-2020 passed in Cr. Misc. No. 29241 of 2020 in case titled '**Ram Khelawan Yadav Versus State of Bihar**' for the compliance of order of Hon'ble Apex Court with regard to automatic vacation of stay order in criminal matters and take steps for early conclusion of the trial.

In case titled '**Asian Resurfacing of Road Agency Pvt. Ltd. & Another versus Central Bureau of Investigation**' Hon'ble Supreme Court passed order dated 15-10-2020 in Misc. Application No. 1577 of 2020 of which operative para is being reproduced as under:-

“Whatever stay has been granted by any court including the High Court automatically expires within a period of six months, and unless extension is granted for good reason, as per our judgment, within the next six months, the trial Court is, on the expiry of the first period of six months, to set a date for the trial and go ahead with the same”

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Hence, order dated 13-11-2019 passed by Hon'ble Patna High Court in Cr. Misc. No. 4764 of 2017 automatically expires in view of abovesaid order passed by Hon'ble Supreme Court.

Accordingly, Ld. APP is directed to produce the witnesses in the case. Now put up on 06-02-2021 for evidence of the prosecution.

Dictated

Additional Session Judge-III
Vaishali at Hajipur
05.01.2021

