



## **I.A. No.12188 of 2024**

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed with a prayer to grant stay of trial of G.R. Case No. 649 of 2023 arising out of Deoghar P.S. Case No. 360 of 2019. It is next submitted by the learned counsel for the petitioner that the petitioner filed this criminal miscellaneous petition on 13.12.2022 initially with the sole prayer of quashing the entire F.I.R. and the whole prosecution of Deoghar (Town) P.S. Case No. 360 of 2019. It is next submitted that during the pendency of the case, police completed the investigation and submitted charge sheet and cognizance has been taken on 05.06.2023 i.e. more than a year ago. The trial court is proceeding with the matter and may frame charges against the petitioner which will render this instant criminal miscellaneous petition infructuous. Hence, it is submitted that the trial of the case be stayed.

The learned Spl. P.P. submits that the trial of the case starts only when the charge is framed and admittedly charge has not been framed in this case. So, the prayer to stay the trial is premature. It is next submitted that the petitioner is not diligent in prosecution this case as, though cognizance has been taken in this case more than a year ago but the petitioner did not think it proper to challenge the same on any day within the period of more than one year and the contention of the petitioner that the framing of charge will render this criminal miscellaneous petition infructuous is also not in accordance with law. Hence, it is submitted that this interlocutory application being devoid of any merit be dismissed.

Having heard the submissions made at the bar and after going through the materials in the record, this Court finds force in the submission of the learned Spl. P.P. that a trial begins when charge is framed in a criminal case and admittedly by the petitioner the charge is yet to be framed. Thus, the prayer for granting the stay of the trial is premature and the contention of the petitioner that with framing of charge, the instant criminal miscellaneous petition will become infructuous, is also fallacious.

Under such circumstances and keeping in view, the conduct of the petitioner that he is not diligent in prosecuting this case, this Court is of

the considered view that there is no merit in this interlocutory application. Accordingly, the same is rejected.

**(Anil Kumar Choudhary, J.)**

**Cr.M.P. No. 4570 of 2022**

Heard the parties.

List this criminal miscellaneous petition after filing of the consolidated criminal miscellaneous petition.

**(Anil Kumar Choudhary, J.)**

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