

Patna High Court - Orders

Indu Bhushan Tiwari & Ors vs State Of Bihar on 19 January, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.14405 of 2008

INDU BHUSHAN TIWARI & ORS

Versus

STATE OF BIHAR

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2. 19.01.2011. The petitioners have filed the application for quashing the order dated 01.03.2008 passed by the learned Sessions Judge, Ara, Bhojpur, in Cr. Rev. No. 26 of 2008 whereby and whereunder the learned Sessions Judge, Ara, Bhojpur, was pleased to refuse to interfere with the order dated 29.01.2008 passed by the learned J.M.Ist Class, Bhojpur, Ara, in Case No. 1052C of 2006, Trial No. 2643 of 2007 by which the discharge application of the petitioners was rejected.

The complaint case was filed on  
26.07.2006 for the alleged occurrence of

08.07.2006 when the assault was alleged against the accused persons and also for the occurrence of 24.07.2006 when the theft has been alleged.

The petitioners raised the contention before the learned court below that for two occurrence on two different dates and on two different places, one F.I.R. was not maintainable.

The application of the petitioners was rejected by the learned court below by taking shelter of the provisions of Sections 219 and 220 Cr. P. C.

Section 219 Cr. P. C. envisages framing of the charges of the three offences of the same kind within a year whereas Section 220 Cr. P. C. envisages trial for more than one offence- If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for every such offence.

It appears that Sections 219 and 220 Cr. P. C. do not envisage the eventualities of registration of one F.I.R. for two different offences on two different dates.

Considering the aforesaid submissions, let the notices be issued to opposite party no.2 under registered cover with A/D as well as ordinary process requisites for which must be filed within two weeks.

In the meantime, further proceedings of complaint case no. 1052C of 2006, Trial No. 2643 of 2007 pending in the court of the learned J.M. Ist Class, Ara, Bhojpur, is stayed.

A supplementary affidavit has been filed to the effect that the charges still have not been framed in the matter.

U.K.

(Dinesh Kumar Singh,J.)