

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9265 of 2015

Arising Out of PS.Case No. -31 Year- 2004 Thana -ARIYARI District- SEKHPURA

1. Pramod Kumar Son of Tanik Singh, Resident of village- Nazardih, P.S.-
Kadirganj, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-05-2015

The Petitioner seeks quashing of the order dated 19.12.2014, by which the Additional District and Sessions Judge, Sheikhpura has permitted an application under Section 311 Cr.P.C. in Sessions Trial No.424 of 2009 arising out of Ariari P.S. case No.31 of 2004 on remand from this Court.

I find from the impugned order that the Court was conscious that Section 311 Cr.P.C. does not mandate recall of witness but it is discretionary and the Trial Court was of the view that the evidence of the witnesses were required and, hence summoned them to appear within one month.

Since this is a very reasonable order, I find no justification for interference with the same. The application is thus dismissed.

The Trial Court is directed to conclude the trial within the stipulated period fixed by itself.

(Anjana Prakash, J)

Narendra/-

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