

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15497 of 2015

Arising Out of PS.Case No. -124 Year- 2011 Thana -KHODAWANPUR District- BEGUSARAI

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1. Ram Dayal Yadav, son of Shiv Lal Yadav, resident of Village- Israha, P.S.- Khodawanpur, District- Begusarai
 2. Sanjay Yadav @ Manohar Yadav, son of Ram Chandra Yadav, Village- Esran, P.S. Khodawanpur, District- Begusarai
 3. Arun Kumar Yadav, son of Late Khallat Yadav, resident of Village- Ajanidih, P.S.- Khodawanpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Adv.
Mr. Dharamveer, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-12-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

By the present application under Section 482 of the
Code of Criminal Procedure (for short 'Cr.P.C.'), the petitioner seeks
quashing of the order dated 21.02.2015 passed by the learned Adhoc
1st Additional District & Sessions Judge, Begusarai in Sessions Trial
No. 190 of 2012 whereby the learned trial court has rejected the
application dated 17.01.2015 filed under Section 311 Cr.P.C. for
recall P.W.1 Ranjit Chourasia, P.W.2 Lalit Chourasia and P.W.3
Pravin @ Arjun Chourasia for further cross-examination.



The prosecution case is based on a written report submitted to the S.H.O. of Khodawanpur (Chhorahi) Police Station pursuant to which Khodawanpur (Chhorahi) P.S. Case No. 124 of 2011 was registered under Section 302/34 of the Indian Penal Code against the petitioners and others. On completion of investigation, the police submitted charge sheet against the petitioners and after framing of the charges, the witnesses were examined in detail.

Learned counsel for the petitioners has submitted that though P.Ws. No.1 to 3 were cross-examined by defence and were discharged during trial, certain important questions relating to the manner of occurrence and place of occurrence could not be asked from them due to inexperience of the counsel handling the trial of the petitioners.

I have heard learned Senior Counsel for the petitioners and perused the record.

Learned Senior Counsel for the petitioners has also produced certified copy of the deposition of the witnesses recorded during trial. I find from the deposition of P.Ws. No.1 to 3 that the defence cross-examined them on several dates and all relevant questions were put to them and the plea that certain questions relating to the manner of occurrence and place of occurrence could not be asked at the time of trial is without any substance. In my opinion,

while passing the impugned order dated 21.02.2015, the trial court has rightly held that the application has been filed at a belated stage just in order to delay the trial.

In that view of the matter, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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