

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3042 of 2015

Arising Out of PS.Case No. -59 Year- 2008 Thana -THAWE District- GOPALGANJ

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Madan Yadav S/o Late Nathuni Yadav R/o vill. - Sakhen - Khash, P.S.
Uchkagaown, Distt. - Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Sunari Devi D/o Late Baiju Chaudhary R/o village - Bideshi Toal, P.S. Thawe,
District - Gopalganj

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Dilip Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-12-2015

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

2. By way of the present application under Section
482 of the Code of Criminal Procedure, the petitioner seeks
quashing of the order dated 22.10.2014 passed the learned Sessions
Judge, Gopalganj in Cr. Rev. No. 750 of 2014, whereby and
whereunder he has allowed the prayer of the revisionist to recall
him for cross-examination. The revision application was filed by
the wife of the petitioner, who had instituted a criminal case
registered under Sections 498 A and 406/34 of the Indian Penal
Code.

3. It is contended by learned counsel for the petitioner that after institution of the case, his wife did not turn up for quite long period and when the case of the prosecution was closed and the matter was fixed for arguments, an application was filed on behalf of the prosecution to summon the informant for deposition. The said plea of the prosecution was rejected by the learned trial Magistrate and without assigning any valid reason the revisional Court has set aside the order passed by the learned trial Magistrate and allowed the examination of the informant as a witness.

4. I have considered the contention of learned counsel for the petitioner and perused the materials on record. It would appear that the revisional Court has allowed the application filed on behalf of the prosecution with cost. In my view, the order passed the revisional Court is neither illegal nor perverse. In a criminal case, if a witness, who is the informant of the case, is ready to depose, the accused can have no objection.

5. In that view of the matter, I find no merit in this case. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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