

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24018 of 2015

Arising Out of PS.Case No. -123 Year- 2003 Thana -NATHNAGAR District- BHAGALPUR

Upendra Das, S/o Late Saryug Das, Resident of Govindpur, P.S.- Nathnagar,
District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Arjun Devi, W/o Late Parsadi Paswan, Resident of Govindpur, P.S.- Nathnagar,
District -Bhagalpur.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-09-2015

The present application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 10.07.2014 passed by the learned Adhoc Additional Sessions Judge-1, Bhagalpur in connection with S.T. No. 273 of 2004 arising out of Nathnagar P.S. Case No. 23 of 2003 whereby the petition filed by the petitioner under Section 233(3) of the Code of Criminal Procedure has been rejected.

It would appear from the record that the case was registered in June 2003. The charge-sheet was submitted on

26.09.2003 itself and, thereafter, case was committed to the Court of Sessions for trial in 2004. All the prosecution witnesses have been examined and prosecution case has already been closed.

At the fag end of the trial when the case was fixed for argument, an application under Section 233(3) of the Code of Criminal Procedure was filed by the petitioner praying therein to call for certain documents. The trial court has held that the application has been filed in order to delay the trial. It has observed that even prior to the present application, the petitioner had filed an application under Section 311 of the Code of Criminal Procedure for recalling certain witnesses which was rejected by the trial court and, thereafter, the petitioner challenged the order passed by the trial court before this Court under Section 482 of the Code of Criminal Procedure, which has also been dismissed and, thereafter the present application has been filed under Section 482 of the code of Criminal Procedure.

In my view, the application lacks merit. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

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