

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1338 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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State through Superintendent of Police SPE/ Central Bureau of Investigation, Patna
.... Petitioner/s

Versus

1. Sri Ram Parvesh Rai, brother of Hare Ram @ Neta, son of late Rama Rai, resident of Rama Niwas, Chaudhary Tola, P.O.-Nunmatia, P.S.-Sultanganj, District- Patna,
 2. Sri Hare Ram @ Neta, son of late Rama Rai, resident of Rama Niwas, Chaudhary Tola, P.O.-Nunmatia, P.S.-Sultanganj, District- Patna
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Bipin Kumar Sinha, SC, CBI

For the Opposite Party/s : Mr. Rajesh Ranjan, Advocate
Mr. Manindra Kishore Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-02-2015

The Petitioner seeks quashing of the order dated 29.06.2011 passed by the Additional Sessions Judge, XIV, Patna, in Sessions Trial No.1359 of 2005 arising out of RC No.32(S)/92- Patna by which he has dismissed the application of the prosecution filed under Section 311 Cr. P. C. for examination of two witnesses on its behalf.

The Trial Court was of the view that since these formal witnesses knew nothing about the documents which they want to prove the prosecution should not be permitted to adduce their evidence.

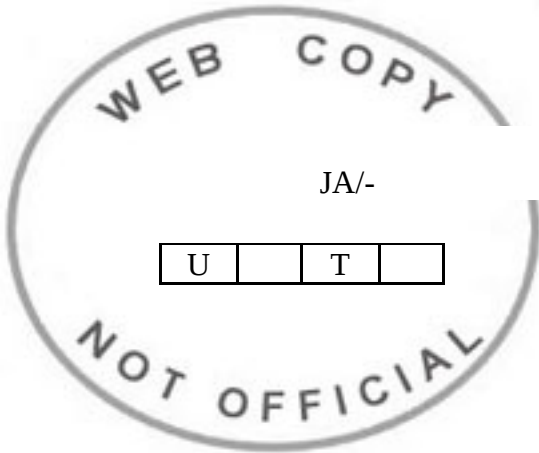
Counsel for the Petitioner submits that no doubt the documents which are sought to be proved are more or less formal in nature but the witnesses sought to be examined were in the know of the contents of the same/ persons, who executed the same and hence, they could be examined.

Counsel for the Opposite Parties submits that these witnesses were not named in the charge-sheet and under Section 311 Cr. P. C. the documents cannot be permitted to be proved in view of decision of this Court reported in 2007 (1) PLJR 216 (Nesar Ahmed @ Nasser and others Vs. The State of Bihar and another).

Considering that at this stage the prosecution wants only to prove the document by adducing the evidence of the witnesses, who claim to know about the execution of the documents and their examination will not prejudice the case in any manner, inasmuch, as since they would be able to cross-examine them, I see no justification of the view taken by the Trial Court.

Hence, the application is disposed off with a direction to the Petitioner to produce the witnesses within four weeks from the date of receipt/production of a copy of this order in the Court below. In case, the prosecution fails to adduce evidence of the two witnesses on the date(s) fixed by the Trial Court, no further adjournment shall be granted to it.

The application stands allowed.



(Anjana Prakash, J)