

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49943 of 2014

Arising Out of PS.Case No. -33 Year- 1996 Thana -AWADPUR District- KATIHAR

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1. Md. Anwar Sayeed Son of Late Jalaluddin R/o Village Palasi, P.O. Hat Balrampur, P.S. Abadpur, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the State : Mr. R.B. Roy, 'Raman', A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner who is the Informant seeks quashing of the order dated 9.10.2014 passed by the Additional District & Sessions Judge, 1st, Katihar, in Sessions Trial No. 239 of 2003 has prayed for recall of the Informant for cross-examination.

It has been submitted that even though, it has not been noted in the impugned order there was a prayer also for summoning the Investigating Officer and the Medical Officer under Section 311 Cr. P.C., which has not been permitted and the case has been closed.

Considering that for the ends of justice, even while disallowing the prayer for recall of the Informant, the Court below is directed to give one date each for examination of the Investigating

Officer and the Medical Officer. However, if the Prosecution fails to produce them on one single date in the next twenty working days after notice to the counsel for the accused persons, the case shall proceed.

With this observation, the application stands disposed off.

(Anjana Prakash, J)

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