

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.542 of 2015

Arising Out of PS.Case No. -542 Year- 2007 Thana -GAYA COMPLAINT CASE District- GAYA

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Ravi Shankar Kumar Akela, Son of Sri Kameshwar Prasad, Resident of
Village – Karpi, P.S. - Khizersarai, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar, Son of Krishnanand Singh
3. Krishnanand Singh, Son of Late Rambilash Singh,
Both R/o Village - Dhanshurpur, P.O - Salimpur, P.S. - Bakhtiyarpur,
District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
Mr. Anil Kumar Sinha

For the Opposite Party no.1 : Mr. (Dr.) Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-09-2015 Heard the parties.

The petitioner is aggrieved by the order dated 11.02.2014 passed in Complaint Case No.542 of 2007 by the learned S.D.J.M., Gaya, whereby pre-charge evidence at the stage of Section 244 Cr.P.C. on behalf of the prosecution has been closed and the case was fixed for framing of charge against the accused persons. The petitioner, being aggrieved by the aforesaid order, filed Cr.Rev.No.30 of 2014 before the learned Sessions Judge, Gaya, which has finally been dismissed by the impugned order dated 19.05.2014.

As a matter of fact, pre-charge evidence of the prosecution at the stage of Section 244 Cr.P.C. was closed on 16.01.2012, whereafter the petitioner had moved before this Court in Cr.Misc.No.8383 of 2012, which was finally allowed by this Bench by an order dated 19.12.2013 (Annexure-2) with a direction

to the learned S.D.J.M., Gaya to give one more opportunity to the prosecution to produce all witnesses on or before 31st January, 2014. It is not in dispute that, in the light of the aforesaid order dated 19.12.2013 (Annexure-2), opportunity was not given to the petitioner for producing his witnesses. Accordingly, the petitioner produced only one more witness, who was examined, cross-examined and was discharged. However, thereafter, petitioner wanted to delay the matter by filing a petition on 18.1.2014 for calling for certain documents which was rejected by the impugned order dated 11.02.2014 passed by the learned trial court, and aforesaid order has been affirmed by the learned Sessions Judge, Gaya.

Taking into account the entire background of the case, which has been noticed in the order dated 19.12.2013 (Annexure-2) passed by this Bench, as also the reasons disclosed in the impugned order dated 11.12.2014 passed by the learned S.D.J.M., Gaya, closing the prosecution evidence at pre-charge stage, which has been affirmed by the learned Sessions Judge, Gaya, this Court does not feel persuaded to interfere with the orders impugned.

Consequently, the present application has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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