

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44013 of 2012

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Kailashpati Chaudhary, S/O Janak Kishore Chaudhary, Resident of Village
Patori, P.S. Moro (Basuara), District Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Arun Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 16-04-2015 Heard the parties.

The petitioner is aggrieved by the order dated 18.07.2012 passed in Session Trial No.326 of 1999 by the learned Adhoc Additional Sessions Judge-1st Darbhanga, whereby the petition filed on behalf of the accused persons under Section 231(2) Cr.P.C. has been allowed and cross-examination of the present petitioner as prosecution witness has been deferred.

Apparently, the criminal prosecution against the accused persons was lodged way back in 1994. The accused persons are facing trial for various offences including the offence under Sections 307 and 302 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that the evidence of the petitioner was recorded in part and in his examination-in-chief, the petitioner has fully supported the prosecution case, as he was one of the injured persons in the occurrence in question, but, in view of the petition filed by the accused persons, the cross-examination of the petitioner was deferred.

Since the impugned order was passed on 18.07.2012

and since then more than two and half years has already elapsed, therefore, this Court is not inclined to interfere with the impugned order, but the learned trial court is directed to record the evidence of the petitioner at an early date preferably within a period of two months from the date of receipt/production of a copy of the present order. Since the criminal case was lodged way back in the year 1994 and since then more than 20 years have already elapsed, therefore, the learned trial court is further directed to take up the trial of the accused persons on priority basis and make all endeavours to conclude the same at an early date preferably within a period of six months from the date of receipt/production of a copy of the present order. The learned trial court shall not grant unnecessary adjournment merely on asking either on behalf of the prosecution or on behalf of the defence.

The present application is disposed of with the directions and observations made above.

(Birendra Prasad Verma, J)

Arvind/-

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