

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25944 of 2011

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Shyam Nandan Prasad Pandey Pandey s/o Late Chandrika Pandey
Resident of village Saidpur P.S. Chakmehshi Distt. Samastipur
..... Petitioner/s

Versus

1. The State of Bihar.
2. Raja Ram Sahani S/o Ram Karan Sahani.
3. Ram Lalit Sahani S/o Ram Karan Sahani.
4. Ram Dayal Sahani S/o Ram Karan Sahani
5. Shiv Chandra Sahani S/o Ram Karan Sahani

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr. Renu Kumari (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 04-05-2015 No one appears on behalf of the opposite parties on
the two consecutive dates.

The petitioner seeks quashing of the order dated 29.06.2011 by which the Judicial Magistrate 1st Class, Samastipur permitted recall of witnesses with which the informant i.e. the present petitioner was aggrieved. He filed Cr. Revision No. 711 of 2009 and the Sessions Judge, Samastipur allowed the same by order dated 11.05.2010 and set aside the order of the Magistrate.

It appears that subsequently the accused persons came before this Court vide Cr. Misc. No. 28162 of 2010 and this Court by order dated 03.03.2011 permitted recall of the witnesses on a single date. Subsequently on 29.06.2011 some witnesses were summoned. The order sheet dated 13.07.2011 reveals that the case

was fixed at the stage of 313 Cr. P.C and it was noted by the Magistrate that he had closed the prosecution case on 29.06.2011 since the prosecution did not produce any witness.

Hence I see no merit in the application . The same is rejected. The Court below is directed to conclude the trial within a period of 30 working days from the date of receipt of copy of this order without granting any unnecessary adjournment to any party. If the case is pending before the Court which is vacant, the District and Sessions Judge, Samastipur shall ensure that it is posted before a Court which is occupied so the final order is passed.

(Anjana Prakash, J)

Prakash/-

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