

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45127 of 2010

Arising Out of PS.Case No. -22 Year- 1998 Thana -null District- MUZAFFARPUR

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Om Prakash Singh son of Raj Kishore Singh resident of village Rampur Khajuria
Chowk P.S. Khujuria District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-05-2015

The petitioner seeks quashing of the order dated 28.08.2010 passed by the Judicial Magistrate 1st Class, Muzaffarpur by which he has issued summons for prosecution witness in Mithanpura P.S. Case No. 22 of 1998, G.R. No. 279 of 1998, Tr. No. 708 of 2010.

It appears that summons had been issued without the Presiding Officer having signed the same. When it came to his notice, the Bench clerk was issued show cause and evidence of Vinod Kumar Sinha who had been examined on such summons was expunged. Thereafter exercising powers under Section 311 Cr. P.C, the Court once again summoned the said witness.

The petitioner is aggrieved with such an order.

A report was called for from the Court below with regard

to the stage of trial. The report shows that the case is pending for evidence.

Considering that the Trial Court is alone competent to consider as to whether the examination of a particular witness is required in the interest of justice, I would refrain from interfering in the matter. Hence the application is dismissed.

The Trial Court is directed to conclude the trial without giving unnecessary adjournment to any party for which reason the trial Court will send a list of witnesses fixing specific dates for their examination along with a copy of this order to the concerned Superintendent of Police who is directed to ensure the attendance of the witnesses on the date fixed so that there is no further delay in the trial.

(Anjana Prakash, J)

Prakash/-

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