

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19121 of 2015

Arising Out of PS.Case No. -84 Year- 2012 Thana -KUCHAIKOTE District- GOPALGANJ

1. Pawan Pandey son of Virendra Pandey

2. Virendra Pandey son of Ambika Pandey

Both resident of Village- Birit Belwa, P.S.- Kuchaikot, District- Gopalganj.

.... Petitioners

Versus

1. The State of Bihar

2. Seema Devi, wife of Anil Pandey, Resident of Village- Belwa Birit, P.O. and P.S.- Kuchaikot, District- Gopalganj.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani, Advocate

For the Opposite Party/s : Mr. B.M. P. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-07-2015

This application under Section 482 of the Code of Criminal Procedure is directed against the order dated 16.01.2015 passed by the learned 5th Additional District & Sessions Judge, Gopalganj in Sessions Trial No. 357 of 2012 arising out of Kuchaikot P.S. Case No. 84 of 2012 whereby the trial court has dismissed the application filed by the petitioners for adducing additional evidence on behalf of the defence.

On inquiry, learned counsel for the petitioners have

submitted that the defence intends to examine 106 witnesses in order to prove that on the date of occurrence the petitioners were not present at the place of occurrence. He concedes that in this regard four witnesses have already been examined on behalf of the defence.

In my view, if on a particular point the defence has already adduced four witnesses, there is no point in examining more than 100 witnesses on the same point. Apparently, the accused persons want to delay the trial.

In view of the above, I find no error in the impugned order dated 16.01.2015 passed by the court below. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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