

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17310 of 2013

Arising Out of PS.Case No. -32 Year- 2008 Thana -KINJAR District- JEHANABAD

=====

Ranjan Paswan S/o Jai Ram Paswan, resident of village-Ramchandra Bigha, P.S. Kinjar, Distict – Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Madheswar Paswan S/o Late Dashrath Paswan, resident of village - Bhadasi, P.S. Arwal, Distict – Arwal.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. S. Kumar, Adv.

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 21-05-2015 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the order dated 13th March 2013 passed in S.Tr. No. 233 of 2012 arising from Kinjar P.S. Case No. 32 of 2008 whereby and whereunder the court below has refused to allow the re-examination of P.W.2, namely, Rajesh Paswan.

The counsel for the petitioner submits that two other witnesses have supported the case of the petitioner but earlier the P.W. 2 was examined, he has supported the prosecution witness. For clarification, he wanted to call the P.W. 2 for further re-examination.

The counsel for the State submits that Section 311 Cr.PC cannot be used or exercised for the purposes of filling of lacunas and it is not in disputed fact that P.W. 2 was examined and fully cross-examined, in such circumstances, the court below has rightly refused to exercise the power under Section 311 Cr.PC.

Having considered the rival contentions of the parties, P.W. 2 was examined during the trial, he has supported the prosecution version, there the petitioner has cross-examined threadbarely to P.W. 2 and, as such, the question of further examination of P.W. 2 does not arise, as Section 311 Cr.P.C. is only meant for the ends of justice, not to fill up the lacunas or to wriggle out the earlier statement made by the witnesses.

In such view of the matter, this Court does not find any error in the impugned order. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

U		T	
---	--	---	--