

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19601 of 2015

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Sakaldeep Singh, Son of Late Lal Govind Singh. R/o village - Mahamda,
P.S.- Bhagwanpur, District - Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. Raj Narayan Singh, Son of Ambika Singh.
3. Harendra Singh, Son of Ram Pukar Singh.
4. Ambika Singh, Son of Binda Singh. All residents of village - Mahamda,
P.S.- Bhagwanpur, District - Siwan.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate.
For the State : Mr. Dr. Indihar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 08-05-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The present application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.12.2014, passed in Revision Case No. 89 of 2010, by the learned Ist Additional Sessions Judge, Siwan, whereby the court below has rejected the revision application filed on behalf of the petitioner and has refused to interfere with the order dated 31.05.2010, whereby the court below had rejected the petition of the prosecution under Section 311 of the Code of Criminal Procedure to recall a witness, namely, Ram Sagar Singh, for

further cross-examination.

In my view, the application is misconceived. Though, the present application has been filed under Section 482 of the Code of Criminal Procedure but the same is in the nature of second revision, which is barred under Section 397(3) of the Code of Criminal Procedure. Moreover, the petitioner has no *locus standi* in the matter. He is neither the informant of the case nor the present application has been filed by the State. The matter arises out of a police case and, in terms of Section 301 of the Code of Criminal Procedure, only the Public Prosecutor or the Assistant Public Prosecutor of the case may appear and plead before any court on behalf of the prosecution.

Regard being had to the facts and circumstances of the case, in my view, the present application filed by the petitioner is not maintainable in law. Accordingly, the application is dismissed.

U.K./-

(Ashwani Kumar Singh, J)

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