

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45167 of 2012

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1. Mahendra Singh
2. Harendra Singh @ Dhunni Singh
Both sons of Late Byasi Singh
3. Ashok Singh
4. Umesh Singh
5. Deelip Singh
All sons of Mahendra Singh
All are resident of village- Sirasiya Jagdish, P.S.- Kathaiya,
District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Bharat Singh son of Bhola Singh, resident of village-Sirasiya Jagdish,
P.S.-Kathaiya, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-03-2015 The petitioner has been made accused in Complaint Case No.1421 of 2005 in which cognizance has been taken for the offence punishable under section 379 of the Indian Penal Code long back on 15.1.2006. The defence took about six years for examining its witnesses. After closing the case of the defence, the statement of the accused was recorded under section 313 of the Code of Criminal Procedure on 2nd March, 2012 and about five months thereafter on 16.8.2012 a petition was filed on behalf of the petitioners (defence) before the learned Magistrate with a prayer to allow to adduce some more evidence on the ground that

such additional evidence was necessary for just decision of the case. The court below vide impugned order dated 7th September, 2012 rejected the aforesaid prayer of the petitioners.

This application under section 482 of the Code of Criminal Procedure has been filed by the petitioners challenging the aforesaid order dated 7th September, 2012. From bare perusal of the impugned order, it would appear that the court below, while rejecting the application filed on behalf of the petitioners, has given a categorical finding that no specific reason has been assigned by the defence behind not adducing evidence in six years' time given to it. The learned Magistrate has rightly held that the petition at hand appears to be a simple attempt to linger the case on one ground or another.

I find no illegality in the order impugned passed by the learned Magistrate. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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