

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4746 of 2016

Arising Out of PS.Case No. -29 Year- 1996 Thana -DHANAHA District-
WESTCHAMPARAN(BETTIAH)

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Mahendra Mahto, Son of Late Yogi Mahto, resident of village - Dihi, P.S.
Dhanaha, District - West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Nityanand(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 08-08-2016 Heard Sri Shivjee Singh, learned counsel for the
petitioner and Sri Nityanand, learned Addl. Public Prosecutor.

The sole petitioner has approached this Court,
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
16.01.2016 passed by the learned 2nd Addl. Sessions Judge,
Bagaha (West Champaran) in Sessions Trial No.644 of 1997,
whereby he has rejected the petition filed on behalf of the defence
under Section 217 of the Code of Criminal Procedure for recall of
the witnesses for further cross-examination. Prior to this, by order
dated 30.10.2015, which has been brought on record by filing
supplementary affidavit, since in earlier charge, there were some
clerical error and, as such, some error was removed by order dated

30.10.2015. Thereafter, on the plea that new charge has been framed, a prayer has been made for recalling the witnesses for further cross-examination. Fact remains that Sessions trial was initiated in the year 1997 for the occurrence, which took place some time in the year 1996.

I have perused the order dated 30.10.2015, whereby clerical error was removed. In view of the fact that there is no substantial change in the charge and only clerical error was removed, the learned Sessions Judge has rightly rejected the petition of the defence for recalling the witnesses for further cross-examination. The petition stands rejected.

Keeping in view the fact that the trial is of the year 1997, while rejecting the present petition, it is desirable to direct the trial court to take all steps, so that the case may come to its logical end without unnecessary delay preferably within a period of three months from the date of receipt/production of a copy of this order.

Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J)

NKS/-

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