

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.561 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

Narain Tiwari @ Narain Tripathi S/o Late Angad Tiwari resident of Vill.- Belauti,
P.S.- Shahpur, Dist.- Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. Gobardhan Kharwar S/o Ram Dheyan Kharwar
3. Aragh Lal Kamkar
4. Timil Kamkar
Both S/o Ram Narain Kamkar
5. Raj Kishore Kamkar S/o Supan Kamkar
6. Dadan Kamkar S/o Radha Mohan Kamkar
7. Binod Kamkar
8. Saroj Kamkar, Sons of Raj Kishore Kamkar.
9. Manoj Kamkar
10. Mahesh Kamkar S/o Sidh Nath Kamkar
All residents of Vill.- Nargada, P.S.- Shahpur, Dist.- Bhojpur

.... Respondent

Appearance:

For the Petitioner/s : Mr. Awadh Bihari Ojha, Sr. Advocate.
Mr. Nitish Kumar, Advocate.
For the Respondent/s : Mr. Suryadeo Yadav, AAG-IX.
Mr. Dharmendra Kumar, AC to AAG-IX.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 16-09-2016

Heard learned counsel for the parties.

2. The challenge in the present writ petition is to an order dated 16.02.2016 passed by the learned Sessions Judge, whereby Criminal Revision filed by the petitioner against the order dated 14.09.2015 passed by the learned Trial Court was dismissed. The petitioner is the informant and on his information, Shahpur P. S. case No. 83 of 2004 was registered for the offences under Sections

147, 323, 324 and 341 of the Indian Penal Code.

3. A perusal of the order passed by the learned Sessions Judge shows that for more than ten years, the trial remained pending for the evidence of prosecution. Summons, dasti summons and bailable warrant were issued to the witnesses to appear in the trial pending. The prosecution examined only the informant (the present petitioner) on 08.01.2014, but thereafter on next six dates, the matter was adjourned for his cross-examination, but he did not turn up for cross examination. After closure of the evidence on 25.05.2015, the petitioner turned up on 02.06.2015 and filed an application for his cross-examination after re-opening of the prosecution case in terms of provisions under Section 311 Cr.P.C. The learned Sessions Judge dismissed the application filed by the petitioner against an order passed by the learned Trial Court.

4. I have heard learned counsel for the parties and gone through the order passed by the learned Sessions Judge. The proceedings were pending for a long period before the learned trial court. The prosecution has failed to prove the witnesses in spite of all out efforts made by the trial court. On 08.01.2014, the petitioner did appear but for the cross examination, the matter was deferred. Thereafter, the petitioner did not appear for cross-examination for six dates.

5. Keeping in view the conduct of leading evidence and the conduct of the petitioner, I do not find any error in the order passed by the learned Sessions Judge. Accordingly, the present writ application is dismissed.

(Hemant Gupta, J)

Mishra/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	21.09.16
Transmission Date	21.09.16