

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4472 of 2016

Arising Out of PS.Case No. -22 Year- 2009 Thana -GOH District- AURANGABAD

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Shatrughan Singh, son of Late Bishundhari Singh, Resident of village-
Kurmain, P.S.- Goh, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar
2. Dhananjay Singh, Son of Shri Jai Ram Singh,
3. Jai Ram Singh, Son of Late Bharat Singh
Both resident of village- Kurmain, P.S.- Goh, District- Aurangabad

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bhubneshwar Prasad, Advocate
For the Opposite Parties : Mr. Shantanu Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 03-10-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks to challenge the order dated
18.09.2015 passed in Criminal Revision No. 62 of 2015 wherein a
challenge was placed to the order dated 01.06.2015 passed in Goh
P.S. Case No. 22 of 2009 (G.R. No.136 of 2009, Tr. No.616 of
2015).

Learned counsel for the petitioner submits that in
pursuance to an application made by the petitioner under Section
311 of the Cr.P.C., the court directed the prosecution to produce
Rajesh Singh, Ram Janam Singh, Sadhana Kumari and Gopal
Singh for evidence within four consecutive dates. Aggrieved by

the aforementioned order, the opposite parties preferred a revision before the court of Sessions Judge at Aurangabad. At the said point of time the case was running for evidence of witnesses cited in the charge sheet and summons had already been sent to the I.O. However, the opposite parties alleging that the persons who were not charge sheeted or examined under Section 161 of Cr.P.C had been called upon at a time when the evidence of witnesses were in progress even though they were not eye-witnesses. It was submitted that the opposite parties had alleged that the said persons were not eye-witnesses, yet the court had relied upon their evidences and directed the appearance of Rajesh Singh, Ramjanam Singh, Sadhana Kumari and Gopal Singh. The learned court below however noticing that the persons, who were asked to come to depose, were neither charge sheeted witnesses nor their evidences were recorded under Section 161 of Cr.P.C and that the trial had advanced substantially, has rejected the case of the petitioner and recalled the earlier order of the Magistrate.

Having considered all facts and circumstances of the case, I find no infirmity in the order dated 18.09.2015. The application is thus dismissed.

(Anjana Mishra, J.)

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