

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.383 of 2016

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

Nand Kishore Rai son of Late Nathuni Rai, resident of Village- Sanhula Gokhul,
Police Station- Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Purushottam Rai, son of Late Om Prakash Rai, resident of Village- Sanhula Gokhul, P.S.- Gopalpur, District- Gopalganj.
3. The S.H.O. Gopalpur Police Station, District- Gopalganj.

.... Respondent/s

Appearance:

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate.
For the Respondent/s : Mr. Sita Ram Yadav, GP-16
Mr. Manoj Kumar, AC to GA-16.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 16-09-2016

Heard learned counsel for the parties.

2. The petitioner, an accused in Sessions Trial No. 246 of 2015 for the offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act, has invoked writ jurisdiction of this Court against an order dated 01.02.2016 passed by learned Additional District and Sessions Judge, Gopalganj, whereby an application filed by the petitioner has been rejected for a direction to the Investigating Officer to collect the call details of the mobile of the informant.

3. Since the accused is facing trial, such evidence

would be a defence for which stage has yet to come. An accused, when the prosecution is leading evidence, is not entitled to seek intervention in the investigation to be conducted in the manner which the appellant likes.

4. I do not find any illegality in the order passed by the learned Trial Court and does not warrant any interference of this Court. Accordingly, this writ petition is dismissed.

(Hemant Gupta, J.)

Mishra/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	21.09.2016
Transmission Date	