

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1419 of 2016

Arising Out of PS.Case No. -216 Year- 2011 Thana -KHAIRA District- JAMUI

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Umesh @ Bihari Lal son of Late Lekha Tanti, resident of village- Gangti
Bishanur, P.S. Khaira District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Binod Kumar No.3, (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 19-08-2016 On 18.8.2016, no one had appeared on behalf of the

petitioner. Today also, learned counsel for the petitioner is not

present. Having no way out, this Court is passing the order on

merit of the case.

In this case, the petitioner is challenging the order
dated 16.9.2015 passed by Sessions Judge, Jamui in Cr. Revision
No. 73 of 2013, whereby and whereunder, the order dated
1.7.2013 passed by the Judicial Magistrate, 1st Class, Jamui in
Khaira P.S. Case No. 216 of 2011 (G.R. No. 1832 of 2011) has
been affirmed by which the court below has refused to recall the
P.W.4, the Investigating Officer for further cross-examination.

From the order, it appears that the Investigating Officer
was examined and cross-examined at length and the petition has

been filed under Section 311 of the Cr.P.C. The court below has recorded a reason that the P.W.4, the Investigating Officer was examined, cross-examined at length and, in such circumstances, the court below has refused to allow the petition filed under Section 311 of the Cr.P.C.

This Court does not find any merit in this application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

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