

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20920 of 2016

Arising Out of PS.Case No. -18 Year- 2009 Thana -GARHPURA District- BEGUSARAI

Suresh Yadav Son of Late Malhu Yadav Resident of village - Rajaura, P.S.
Garhpura, District - Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. P.K.Chaurasiya(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-08-2016 Heard both sides.

The petitioner filed this petition under Section 482 Cr.P.C.
for quashing the order dated 03.02.2016 by which the learned Sessions
Judge rejected the petition of the petitioner for recalling P.W. 1 for
further proceeding.

On the basis of fardbeyan of Dilip Yadav Garhpura P.S.
Case No. 18 of 2009 was registered under Section 436 and other
Sections of the Indian Penal Code. The police after investigation
submitted chargesheet, cognizance was taken and the case was
proceeded for trial. During the course of trial, the prosecution has
examined Yogendra Yadav P.W. 1 on 21.07.2011. P.W. 1 was partly
cross-examined on 21.07.2011. The cross-examination was deferred to
15.03.2012. Again the witness was partly cross-examined and deferred
to 23.08.2012 for further cross-examination on the request of defence.

But on 23.08.2012, none appeared on behalf of defence to cross-examine the witness.

Learned counsel for the petitioner submits that P.W. 1 is an important witness to the prosecution and he was not thoroughly examined. Therefore, in the interest of justice the order may be set aside and the witness may be allowed to be cross-examined.

It appears that the defence cross-examined P.W. 1 on 21.07.2011 and again on 15.03.2012 the defence cross-examined the witness. The cross-examination was deferred to 23.08.2012, but none appeared on behalf of defence and consequently P.W. 1 was discharged. It also appears from deposition of P.W. 1 that the defence has already thoroughly cross examined the witness and P.W. 1 is not an eye witness of setting the house on fire. The defence after three years filed petition for recalling P.W. 1 for his further cross-examination, but it appears that defence has filed the petition only to delay the trial and no useful purpose would be served.

Considering the facts aforesaid, I do not find any merit in the petition. Accordingly, the quashing petition is dismissed.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--