

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41691 of 2013

Arising Out of PS.Case No. -3 Year- 2010 Thana -SARAI District- VAISHALI(HAJIPUR)

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Shakuntla Devi Wife of Sitab Rai, resident of village Bhojpatti, P.S. Sarai,
District Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-05-2016

Heard Sri Anish Chandra, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The petitioner has approached this Court, invoking
its inherent jurisdiction under Section 482 of the Code of Criminal
Procedure, with a prayer to quash an order dated 30.05.2012
passed by the learned Addl. District Judge, Fast Track Court no.1,
Vaishali at Hajipur in Sessions Trial No.96 of 2011 arising out of
Sarai P.S. Case no.03 of 2010 registered for the offence under
Sections 147, 448, 323, 324, 379, 307, 504 of the Indian Penal
Code. By the said order, the learned court below has rejected the
petition filed for recalling P.W.5 for her cross-examination. On
going through the impugned order, it is evident that while P.W.5
was being examined, the defence declined to cross-examine her.

Thereafter, a petition was filed to recall P.W.5 only on the ground of compromise. Since Section 307 of the Indian Penal Code was not compoundable, the learned court below has rightly rejected the petition. Moreover, the said order was passed in the year 2012 itself.

I do not find any ground to interfere with the matter. The petition stands dismissed.

(Rakesh Kumar, J)

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