

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19937 of 2017

Arising Out of PS.Case No. -373 Year- 1998 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Nakul Prasad @ Nakul Yadav, Son of Late Rajendra Prasad, resident of Village-
Arhit, Police Station- Ghoshi, District- Jehanabad.

.... Petitioner

Versus

1. The State of Bihar.

2. Raju Kumar, Son of Late Rajendra Prasad, resident of Village- Jardari, Police
Station- Ghoshi, District- Jehanabad.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-11-2017

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 16.03.2017 passed by the learned 1st Additional Sessions Judge, Hilsa, Nalanda in Sessions Trial No.596 of 2003 arising out of Hilsa P.S. Case No. 373 of 1998 by which he has allowed the petition dated 13.12.2016 filed by the prosecution whereby the prosecution made a request to not examine the witnesses namely, Tapeswar Singh, Arjun Prasad and Sukhu Das,



as they went in collusion with the defence.

Learned counsel for the petitioner submitted that non-examination of the three witnesses, namely, Tapeswar Singh, Arjun Prasad and Sukhu Das would prejudice the case of the defence, as they are important charge-sheet witnesses.

I find no substance in the submission made by the learned counsel for the petitioner. The defence cannot compel the prosecution to examine a witness, who has turned hostile or who has gone in collusion with the defence.

In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2017
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