

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.723 of 2016

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

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1. Krishnandan Singh son of Shyam Nandan Singh
2. Ram Kedar Singh son of Ram Bhajan singh
3. Shyam Nandan Singh son of Ram Bhajan Singh
4. Nageshwar Singh @ Nago Singh son of Brahamdeo Singh
5. Sanjeev Kumar Singh @ Sanjeev Singh, son of Ram Kedar Singh
6. Rajjev Kumar Singh @ Rajeev Kumar, son of Ram Kedar Singh
7. Nand Kishore Singh S/o Ram Kedar Singh
All resident of Village- Raghunathpur Basant, P.S.- Kurahani, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. N. P. Sinha, Sr. Advocate
Mr. Rohit Kumar, Advocate
For the Respondent/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 11.01.2017

Heard learned Senior Counsel for the petitioners
and learned Additional Public Prosecutor representing the
State.

2. The petitioners are aggrieved by an order, dated
11.05.2016, passed, by learned Sessions Judge, Muzaffarpur,
in Sessions Trial No. 388 of 1996, whereby he has dismissed
their application under Section 315 of the Code of Criminal
Procedure, 1973 (Cr.P.C., in short), for examination of



petitioner no. 1, Krishnandan Singh, as defence witness.

3. It is stated by learned Senior Counsel, appearing on behalf of the petitioners, that without complying with the requirement of Section 313 of the Cr.P.C., the learned Trial Court had closed the prosecution and defence evidence and after having realized this mistake after closure of the evidence, examined the accused persons under Section 313 of the Code of Criminal Procedure, 1973, on 16.01.2016. Soon thereafter, in February, 2016, the petitioners filed an application for examining petitioner no. 1, who is facing trial; as defence witness, which application has been rejected by the impugned order. There is also a prayer for summoning the doctor and few other witnesses for their examination as defence witnesses.

4. Considering the special facts and circumstances of the case, particularly, the fact that accused persons were examined under Section 313 of the Code of Criminal Procedure, 1973, after closure of evidence of prosecution and defence witnesses, I am of the view that petitioner no. 1 should be allowed to be examined as defence witness.

5. Accordingly, the impugned order, dated 11.05.2016, is set aside, with a direction to the learned Trial Court to allow examination of petitioner no. 1, Krishnandan Singh, as defence witness.



6. However, it is made clear that none of the parties shall be allowed any unnecessary adjournment. The learned Trial Court shall, after examination of petitioner no. 1 as defence witness, proceed expeditiously for conclusion of the trial.

7. This application is allowed to the extent indicated above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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