

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.691 of 2017

Arising Out of PS. Case No.-259 Year-2015 Thana- BIHPUR District- Bhagalpur

Vandana Kumari W/o Sri Amresh Jha, Resident of Village-Chakrami, P.S.-
Bihpur, Bhawanipur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niraj Kumar Mishra S/o Late Madan Mohan Mishra Resident of
Bhramarpur P.S.-Bihpur, Distt. Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha Mr. Pranav Kumar Jha
For the Respondent/s	:	Mr. Narendra Kumar Singh, APP
For O. P. No. 2	:	Mr. Sharda Nand Mishra Mr. Deepak Kumar Mr. Dhananjay Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 03-08-2017 Heard learned Counsel for the petitioner, learned Counsel appearing on behalf of Opposite Party No. 2 and learned Additional Public Prosecutor representing the State of Bihar.

The petitioner is accused of offences punishable under Section 302/34 of the Indian Penal Code, to which Sections 304/124/34 has been added subsequently.

An application, under Section 311 of the Code of Criminal Procedure, 1973, was made by her before the learned Trial Court, which has been rejected by the impugned order,



dated 09.06.2017, passed in Sessions Trial No. 331 of 2016/350 of 2017, by learned Additional Sessions Judge I, Naugachia.

It appears from the impugned order that the petitioner wanted to recall PW 2 and PW 8 for the purpose of further cross-examination, for just decision of the case. The said application has been rejected by the impugned order, dated 09.06.2017.

I have perused the application filed by the petitioner before the learned Court below under Section 311 of the Code of Criminal Procedure, 1973, which has been brought on record by way of Annexure-3 to the present application. I find nowhere in the order impugned passed by the learned Court below, whereby the petitioner's application, under Section 311 of the Code of Criminal Procedure, 1973, has been rejected, mainly on the ground that the petitioner failed to point out in his application, the question which she intended to ask from the witnesses nor was there any explanation as to why these facts were not asked at the time of cross-examination. No questionnaire was filed on behalf of the defence for the purpose of recall of the witnesses for their cross-examination. The reason assigned by the learned Court below for rejecting the petitioner's application for recall of the witnesses, under Section



311 of the Code of Criminal Procedure, 1973, is sound and no interference is required.

This application is accordingly dismissed.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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