

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30801 of 2014

Arising Out of PS.Case No. -68 Year- 1993 Thana -SAHEBGANJ District- MUZAFFARPUR

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Iqbal Ahmad Son of late Mahmudul Hassan R/o village- Quazi Chak, P.O.-
Kurnout, P.S.- Sahebganj, Dist.- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-07-2017

Counsel for the petitioner submits that the prosecution witness Khalil Ahmad is a man of doubtful integrity and his deposition is not so reliable. He further submits that recourse is being taken under Section 284 Cr.P.C for examination of this witness by issuing commission. He also submits that the said prosecution witness Khalil Ahmad is not entitled for such commission as his claim regarding illness, is a false plea.

From perusal of the order dated 30.09.2013 whereby the petition under Section 284(1) Cr.P.C has been allowed by the Court of Sanjeev Kumar Singh, Judicial, Magistrate 1st Class, Muzaffarpur, it appears that the learned Court below has examined the prescription showing that the said prosecution witness Khalil Ahmad, was suffering from disease and is also undergoing treatment in hospital.



Upon such consideration the learned court below has come to a finding that he is entitled to such commission under Section 284 (1) Cr.P.C, by assigning reasons in support thereof.

In the aforesaid circumstances, there is no occasion to interfere with the said order by exercising jurisdiction under Section 482 Cr.P.C. Accordingly, the application is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
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