

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56206 of 2017

Arising Out of PS.Case No. -6 Year- 2014 Thana -NAUTAN District- SIWAN

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Vijay Kumar Mishra @ Pappu Mishra @ Pappu, Son of Gorak Mishra, Resident of
Village-Siswa, P.S.-Nautan, District-Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Sheela Pandey, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has filed this application seeking quashing of
order dated 13.09.2017 passed by the learned Additional Sessions
Judge-IV, Siwan in S.T. No. 141 of 2015 arising out Nautan P.S. Case
No. 06 of 2014, though after an inordinate delay so caused by the
accused, not allowing the petition filed under Section 311 of Cr.P.C.
to recall prosecution witness i.e., PW-3 namely Manish Kumar
Mishra, for his cross-examination.

However, in the interest of justice, it is appropriate to
give one chance to cross-examine said witness though the delay in
filing this application has not been explained by the petitioner. This
liberty should have been availed much earlier, however, in any view



of the matter, the trial court will give a single chance to cross-examine PW-3, if no opportunity is availed then the court will proceed further to dispose of the same at the earliest because already there was direction by this Court to dispose of the case by September, 2017.

This application stands disposed of.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2017
Transmission Date	27.11.2017

