

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.879 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District- Begusarai

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Jwala Mahto, Son of Anandi Mahto, Resident of Village Sripur, Arjun Tola,
Police Station Cheriabariyarpur, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar., ,
2. Mahindar Mahto, Son of Rajendra Mahto, Resident of Village Sripur,
Arjun Tola, Police Station Cheriabariyarpur, District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj
For the Respondent/s : Mr. SRI UDAY CHAND PRASAD

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-07-2017 Heard learned Counsel for the petitioner, learned Counsel appearing on behalf of the Opposite Party No. 2 and learned Additional Public Prosecutor representing the State of Bihar.

The petitioner assails an order, dated 22.07.2016, passed in Sessions Trial No. 253 of 2002, by learned Additional Sessions Judge VIII, Begusarai, whereby he has dismissed an application filed by the petitioner, who has been put on trial, to recall prosecution witness nos. 5, 8 and 10.

Learned Counsel appearing on behalf of the petitioner has submitted that because of inadvertence, the defence could not cross-examine the said prosecution witnesses on certain crucial



points and for the ends of justice, their examination is must. He has submitted that that was the reason why the petitioner had filed an application for recall of said prosecution witnesses for further cross-examination, which has been erroneously dismissed by the learned Trial Court.

I have perused the impugned order. No specific question has been mentioned in the application seeking recall of the prosecution witnesses, which, according to the defence, was crucial to be put to the prosecution witnesses. The learned Court below has noticed that the trial has remained pending for more than 15 years. Taking this fact into account and the fact that no case for recall of the prosecution witnesses was made out, learned Trial Court has rejected the petitioner's application for recall by the impugned order.

I do not find any illegality of such nature which would require this Court's interference in criminal revisional jurisdiction.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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