

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1020 of 2016

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1. Upendra Paswan, S/o Sita Ram Paswan, Resident of Village- Parapur,
P.O.- Tati, P.S.- Kasma, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guru Dayal Das, S/o Bindeshwar Das, Resident of Village- Pranpur,
P.S.- Kasma, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Chandra Prasad Bharti

For the Respondent/s : Mr. M.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 06-04-2017 Heard learned counsel for the parties.

2. I. A. No. 2105 of 2016 has been filed for condonation of delay of 28 days in filing of the revision application. For the reasons stated in the application, I. A. No. 2105 of 2016 is allowed and delay in filing the revision application is condoned.

3. The petitioner seeks quashing of the order, dated 06.06.2016 passed by learned Additional Sessions Judge VI, Aurangabad in Sessions Trial No. 433 of 2015, whereby the Court below has rejected an application filed by the petitioner under Section 311 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the **Code**).

4. By filing the said petition, the petitioner had sought



for recall of the prosecution witnesses No. 1,2,3 and 4 for cross-examination on the ground that the defence had failed to ask certain questions of law from witnesses.

5. From the impugned order, I find that the defence was allowed full opportunity to cross-examine the witnesses and after their examination, the witnesses were discharged. It also appears that the petitioner did not furnish the question, which he wanted to ask from the witnesses. In such circumstance, learned Additional Sessions Judge VI, Aurangabad by the impugned order, dated 06.06.2016 has rightly dismissed the said application under Section 311 of the Code.

6. The order does not suffer from any legal infirmity.

7. This application has no merit and it is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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