

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6212 of 2016

Arising Out of PS. Case No.-114 Year-2006 Thana- BARH District- Patna

Vikash Kumar @ Vikky Kewat Son of Late Mithilesh Kewat @ Mitwa,
Resident of Village- Gowar, P.S. - Barh, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Sharma
For the Opposite Party/s : Mr. Surendra Kumarapp

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

12 01-10-2020 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner, Mr. Manoj Kumar, learned counsel
for the O.P. No. 2 and Mr. Surendra Kumar, learned counsel for
the State.

The present Criminal Miscellaneous application was
filed for quashing the order dated 17.12.2015 passed by the
learned Additional District & Sessions Judge-IV, Barh in S.T.
No. 556 of 2013 arising out of Barh P.S. Case No. 114 of 2006
whereby the application under Section 311 of the Cr. P.C. filed
by the petitioner-informant for recall of the I.O. of the case,
namely, Ravi Shankar Prasad, was rejected.

This Court, vide order dated 4.3.2016 issued notice to
the O.P. Nos. 2 to 7 and directed to stay further proceeding of



S.T. No. 556 of 2013 arising out of Barh P.S. Case No. 114 of 2006.

On appearance of learned counsels for the opposite parties, it was submitted that, in fact, the present criminal miscellaneous application filed before this Court and the application under Section 311 of the Cr.P.C. filed before the learned trial court, were actually not filed by the informant but somebody else had impersonated him.

Consequently, this Court vide order dated 21.6.2017, directed the Registrar (Vigilance) to conduct an enquiry and submit a report.

The Registrar (Vigilance) submitted a report on 16.9.2017 to the effect that the person who handed over the brief to the learned counsel for the petitioner, could not appear during enquiry in spite of notice. Subsequently, it was brought to the notice of the learned trial court on 13.7.2016, on the basis of a petition supported along with web copy of case status report of Cr. Misc. No. 6212 of 2016, stating therein that the above mentioned Criminal Miscellaneous application was ordered to be withdrawn. Accordingly, the learned trial court proceeded and on conclusion of trial, recorded the order of conviction dated 22.4.2017 and the order sentence dated 2.5.2017.



Consequently, the Registrar(Vigilance) in pursuance of this Court's order dated 11.10.2017 submitted a fresh report on 04.01.2018 to the effect that the web copy of the cause list suggests that the criminal miscellaneous application was withdrawn and the learned trial court proceeded without waiting for the certified copy of the order of this Court proceeded with the trial and recorded order of conviction.

After considering, the rival submissions of the parties and the fact that the main application challenging the rejection of recall of I.O. under section 311 of the Cr.P.C. has become infructuous, in view of conclusion of trial as also the other materials on record, this Court does not intend to proceed further in the matter.

This application is, accordingly, disposed of as infructuous.

Let the administrative file be returned to the Registrar (Vigilance).

(Dinesh Kumar Singh, J)

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