

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23566 of 2017

Arising Out of PS.Case No. -568 Year- 2015 Thana -JAHANABAD District- JEHANABAD

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Sonu Kumar aged 25 years old, S/o Dinesh Ram, Resident of Shanti Nagar, Jehanabad, Police Station + District- Jehanabad, permanent resident of Village- Pandui, Police Station- Paras Bigha, District- Jehanabad.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Rishikesh Chanchal, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-07-2017

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

2. This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed for quashing of the order dated 15.04.2017 and its consequential order dated 17.04.2017 passed by the learned Additional Session Judge-II, Jehanabad in Session Trial No. 288 of 2016 by which the petition filed by the petitioner for examining the defence witness has been rejected.

3. From perusal of the impugned order dated 15.04.2017, it would be evident that the petitioner was given several dates for examination of defence witness, but he failed to avail of those opportunities. Thus, the defence case was closed and the case was fixed for argument. Further, from order dated 17.04.2017, it would appear that the statement of the petitioner, who is facing trial *inter*



alia for the offence under Section 304-B of the Indian Penal Code, was recorded on 07.01.2017 and on that date itself the defence had submitted that it did not intend to examine any witness and as such, the defence case was closed. Later on, a petition was filed on behalf of the petitioner on 11.01.2017 seeking permission to adduce evidence, which was allowed by the trial court vide order dated 30.01.2017. However, when the defence did not adduce any evidence on six consecutive dates fixed for production of evidence, then the defence evidence was closed.

4. Having regard to the facts and circumstances noted above, I see no illegality in the order impugned. Accordingly, the application is dismissed.

5. The trial court is directed to proceed with the trial expeditiously and conclude the same.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
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