

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.505 of 2014

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Janardan Prasad Sah, son of late Narayan Sah, Resident of village- Pakkisarai, P.S.-
Kahalgau (Ghogha), District- Bhagalpur (accused).

.... Petitioner/s

Versus

1. State of Bihar
2. Nand Kishore Yadav son of Jay Nath Yadav (represented deceased complainant
Gaya Prasad Yadav) of village- Pakki Sarai, P.S.- Kahalgau (Ghogha),
District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 23-08-2017

Heard learned counsel for the petitioner as well as learned
counsel for the State.

2. The petitioner is accused in Complaint Case No. 693 of
1991 and he is aggrieved with the order dated 20.03.2014 passed by 1st
Additional Sessions Judge, Bhagalpur in Cri. Revision No. 353 of 2011
whereby he has set aside the trial court's order dated 04.11.2011 and
directed to exhibit the relevant documents including the certified copy of
the sale deed produced on behalf of the complainant.

3. Learned counsel for the petitioner submits that order dated
04.11.2011 passed by the trial court was an interlocutory order so the
revision application was not maintainable before the court of Sessions
Judge.

4. However, if any substantive right of any of the parties is



affected, the said order is not interlocutory order. In the present case, the complainant's grandson, persuading the complaint after death of his grandfather, moved a petition before the trial court for exhibiting some documents under Section 244 of the Cr.P.C. but the trial court refused on the ground that evidence before charge has been closed so may adduce evidence after framing of charge. However, in the revision, the learned Sessions Judge has set aside the order of the trial court and directed to exhibit the relevant documents in according with law.

5. It appears from submissions of learned counsel for the petitioner that the case has not proceeded further after closing the evidence before charge. Section 244 Cr.P.C. clearly states that court shall take all such evidence as may be produced in support of the prosecution. So merely on the ground that evidence before charge was closed in recent past, cannot be a ground for not taking such evidence produced by the complainant, if the same is relevant to the fact in issue in the context of the case, so I find no illegality in the impugned order. Accordingly, this revision application stands dismissed and the trial court is directed to proceed further in accordance with law and to expedite the trial.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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