

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37561 of 2013

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1. Papul Mahto S/O Mahesh Mahto @ Jit Mahto Resident Of Village-Karara, P.S- Ghoswari, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 10-04-2017 This application has been filed on behalf of the petitioner for quashing the order dated 11-07-2013 passed in Sessions Trial No. 478/09/Sessions Trial No. 908/09 arising out of Ghoswari P.S. Case No. 37/2008 by the learned Additional Sessions Judge-Ist, Barh whereby petition filed by the prosecution to mark the confessional statement as exhibit was disposed of with observation that the same will be looked into at the final stage of the trial.

Heard the parties.

Counsel for the petitioner submits that confessional statement cannot be marked as Ext in terms of provisions of Indian Evidence Act. The court below has committed illegality in keeping the aforesaid petition pending stating that the same will be decided at the time of final disposal of the case.



Learned counsel for opposite party No. 2 has submitted that the witnesses have been examined and trial has proceeded. The final order has not been passed in this case on account of interim order passed by this court on 11-09-2013 whereby the Additional Sessions Judge, Barh was directed to not pass final order in the case.

From the impugned order, it appears that the court below has not passed any order on the petition filed by the prosecution for marking the confessional statement as exhibit. This is a case of the year, 2008.

In such circumstances, this petition stands disposed off with direction to the trial court to pass final order on the aforesaid petition filed by the prosecution to mark as exhibit the confessional statement of the accused, in accordance with law, within one month from the date of receipt of this order. Thereafter, the court below will proceed in the trial and try to expedite the trial and pass final judgment as early as possible preferably within a period of six months from the date of receipt of the copy of this order.

(Sanjay Priya, J)

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