

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43296 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

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1. Sunil Kumar S/O Sri Kamla Singh Resident of Village Govinddih, P.S. Piro,
District Bhojpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Om Prakash Gupta S/O Late Radha Krishna Sah Resident of Bihiyan Road, P.S.
Piro, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate

For the Opposite Party/s : Mr. S.D. Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 24-04-2017

Heard both sides.

The petitioner has filed this petition for quashing the order dated 24.07.2013 by which the learned trial court directed for appearance of the prosecution witnesses.

The relevant facts for disposal of this Cr. Misc. petition are that in Sessions Trial No. 254 of 2005 the prosecution examined all his witnesses but when argument of the case began, the prosecution found that in the depositions of the witnesses, kept on record, interpolations were made. On such, the prosecution filed a petition for reconstruction of the depositions. The learned trial court ordered for an enquiry, after finding the allegation of the prosecution true. Later



on the depositions were reconstructed after appearance of the witnesses and the case has been disposed of. Accused persons were convicted and appeal is pending.

Sri Dronacharya, the learned counsel for the petitioner, submits that it shall be useless to pass any order as the case has already been disposed of.

Considering the facts that the trial has already been disposed of, after reconstruction of the depositions duly authenticated by the prosecution witnesses, it is unnecessary to pass any order on this petition as it has become infructuous.

This quashing petition is, accordingly, dismissed as has become infructuous.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
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