

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51700 of 2013

Arising Out of PS.Case No. -37 Year- 2012 Thana -KATRAHA District- VAISHALI(HAJIPUR)

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Pappu Ray S/O Lalan Ray, Resident of Mohalla- Belka, P.O- Amrilpur, P.S-
Vaishali, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 30-06-2017

Heard learned counsel for the parties.

2. The petitioner has challenged the order dated 03.10.2013 passed by Judicial Magistrate, 1st Class, Hajipur Vaishali in Tr. No. 6179 of 2013 arising out of Kartaha P.S.Case No. 37 of 2012 registered under Sections 25(1-B)(a), 26 and 35 of the Arms Act and Section 414 of the Indian Penal Code, whereby petition filed by the prosecution for adducing evidence of non-chargesheeted witnesses was allowed.

3. Learned counsel for the petitioner submits that the list of witnesses mentioned in the charge sheet has not been exhausted and the prosecution is allowed to examine witnesses not named in the charge sheet.

4. Learned A.P.P. submits that there is no illegality in the



impugned order. The prosecution filed petition for examination of the investigating officer and sergeant major who has examined the arms seized by the investigating officer during investigation so both are material witnesses of the prosecution.

5. Having considered the rival submissions and on perusal of the record, it appears that the name of the Investigating Officer was inadvertently left in the charge sheet. It is a case of Arms Act and the trial court has rightly allowed the petition for examination of the Investigating Officer and the sergeant major, both being material witness in the case. Investigating Officer has investigated the case and the sergeant major submitted report regarding effectiveness of the arms seized by the Investigating Officer. Therefore, there is no illegality in the impugned order.

6. The petition stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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