

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.897 of 2017

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Ashok Kumar Sharma @ Ashok Sharma, S/o Late Brijnandan Sharma, R/o
Village Khaira, P.S. Paras Bigha & District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 29-01-2018

The petitioner has challenged the order dated

08.08.2017 passed by learned F.T.C-I, Jehanabad in Sessions Trial

No. 394/03; 01/2017, arising out of Jehanabad P.S. Case No. 124

of 1994, whereby the learned Trial Court has rejected the prayer of

the petitioner for granting time for bringing defence witnesses.

The ground taken by the Trial Court for rejecting such a prayer is

that despite adjournments having been taken by the petitioner

several times, the defence witnesses were not produced before the

Trial Court.

From the records, it appears that on 14.07.2017,

the statement of the petitioner and another were recorded under

Section 313 of the Code of Criminal Procedure and thereafter for

the examination of the defence witnesses, the date was fixed on

08.08.2017. On that date, i.e. on 08.08.2017, a prayer was made



on behalf of the petitioner for further time to bring the defence witnesses, but such a prayer was disallowed.

The Trial Court is directed to permit the petitioner to bring his defence witnesses. It is made clear that if the petitioner does not bring the defence witnesses within a period of one month from the date of receipt/production of a copy of this order, the evidence shall be closed. Accordingly, the Trial Court shall fix the dates for examination of two defence witnesses, which the petitioner intends and seeks to bring forward.

With the aforesaid observation/direction, the present petition is disposed off.

(Ashutosh Kumar, J)

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