

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26749 of 2018

Arising Out of PS.Case No. -50 Year- 2007 Thana -DAUDNAGAR District- AURANGABAD

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Md. Tahir Hussain S/o Late Mohib Ali, R/o Vill.- Tarar, P.S.- Daudnagar,
District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey, Adv.

For the State : Mr. Shailendra Kumar, APP

For the Opposite Party : Mr. Ashok Kumar Singh, Adv.

Mr. Abhishek Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 12-09-2018

The petitioner moved an application under Section 311 Cr.P.C. saying that the name of the injured witnesses has not been given in the charge-sheet nor their statements have been recorded in the case diary though they are injured and they are ready to depose.

The said application has been rejected by the learned court below saying that the case record would show that the charges were framed in the case on 20.06.2008 against the accused persons and thereafter the case was fixed for evidence on 24.07.2008 and on 03.03.2017 the prosecution evidence was closed thereafter and in spite of the opportunity of about 9 years given to the prosecution only 3 witnesses out of 7 charge-sheeted witnesses could be examined.



In these circumstances under Section 313 Cr.P.C. statement was recorded on 23.03.2017 and the case was fixed for defence evidence on 18.04.2017. The evidence was closed on the request of learned counsel for the defence on 16.05.2017 and thereafter the case was fixed for argument.

In the opinion of this Court, the plea taken by the accused at this stage by filing the application as contained in Annexure-5 is only to delay the disposal of the petition and the learned trial court has not committed any error in rejecting such application.

This application is equally misconceived and hereby dismissed.

(Rajeev Ranjan Prasad, J)

Ved/-

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