

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6606 of 2015

Arising Out of PS.Case No. -428 Year- 2010 Thana -NAWADA District- NAWADA

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1. Chando Choudhary, son of late Darogi Choudhary, resident of Lanepar
Mirjapur, P.O. + P.S. + District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate

For the Opposite Party/s : Mr. J. Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 30-01-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 23.12.2014 passed by the Additional Sessions Judge, 1st, Nawada, in S.T. No.62 of 2011/ 10 of 2011.

The Court below by the impugned order has allowed the application filed on behalf of the prosecution to examine the injured persons as witnesses in the case although their name does not find mention in the charge-sheet.

From the impugned order, it appears that charge in the case has been framed on 21.06.2011 and trial is still pending. From perusal of the impugned order, this Court finds that the Court below has allowed prayer of the prosecution because injured persons were



not named in charge-sheet as witnesses and, therefore, they have to be examined as witnesses.

This Court does not find any illegality in the impugned order passed by the learned Court below.

The application is, accordingly, dismissed.

The Court below, however, will give proper opportunity to defence to cross-examine the witnesses, if so produced, by the prosecution.

The Court below will expedite the trial and make efforts to conclude the same as early as possible by giving short adjournment in the case preferably within a period of six months from the date of receipt of the order since the case is of the year 2011.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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