

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.43 of 2016

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Firoz Alam, Son of Late Aftab Alam, R/o Village-Buxa, P.S.-
Sugauli, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tuffail Ahmad, Son of Abdul Gani, R/o Village-Buxa,
P.S.-Sugauli, District-East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 09-03-2018 Heard Mr. Krishna Kant Singh, learned
Advocate for the petitioner.

The petitioner has been summoned to face trial along with other accused persons in Sessions Trial No. 85 of 2015, arising out of Sugauli P.S. Case No. 233 of 2013, by order dated 24.11.2015 passed by the learned 12th Additional Sessions Judge, East Champaran at Motihari.



From the records, it appears that the petitioner, though was named in the F.I.R. in a case instituted for the offence under Section under Section 302 of the Indian Penal Code, but after investigation, he was not sent up for trial. Thereafter, the trial ensued. After examination of 5 witnesses on behalf of the prosecution, all of whom deposed about the petitioner having participated in the occurrence leading to the death of the deceased, the petitioner has been summoned to face trial along with other accused persons under the provisions of Section 319 of the Code of Criminal Procedure.

Mr. Krishna Kant Singh, learned Advocate, has stated that assuming that the aforesaid 5 prosecution witnesses have deposed about the participation of the petitioner in the crime, but in the absence of any specific accusation against him, he cannot be summoned to face trial at such a belated stage.

This Court regrets, this proposition of law is not acceptable. In view of the fact that 5 of the prosecution witnesses have deposed about the participation of the petitioner in the occurrence, it was only desirable for the Trial Court to have summoned the petitioner to face trial.



There is no merit in this petition. Hence, it is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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