

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.165 of 2018

Arising Out of PS. Case No.-323 Year-2005 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Savita Sinha @ Savita @ Sarita Sinha D/o Dr. Laliteshwar Sinha, R/o
Mohalla- Chhata Chaulk, West of Akhbari Godam, P.S.- Kaji Mohammadpur,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Respondent/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 13-12-2018

This revision application has been filed by the petitioner against the order dated 18.10.2017 passed by the S.D.J.M., East Muzaffarpur in C-323 of 2005 (Trial No.324 of 2017) whereby and whereby the learned appellate court has dismissed the petition filed by the petitioner for making some correction in the deposition of P.W.3.

The case in short is that the Complaint case No.C-323 of 2005 (Trial No.324 of 2017) was fixed for evidence on behalf of the prosecution and on 8.7.2015 P.W.3 (Sunaina Sinha) mother of the complainant was examined and due to the old age and slip of tongue she has wrongly stated at para 7 the name of the Doctor Rakesh Sinha in place of Dr. Laliteshwar Sinha who is the husband of the petitioner and at para 9 stated the name of



Rakesh Jee in lieu of Rajdeo Jee. Further case is that the petitioner filed a petition for making correction in the evidence of P.W.3 as stated above in para 7 and 9 and a rejoinder was also filed but the learned trial court dismissed the petition filed by the petitioner, vide order dated 18.10.2017.

Being aggrieved by the same, the present revision application has been preferred.

Contention of the learned counsel for the petitioner is that due to the old age and the slip of tongue, she has named Dr. Rakesh Sinha in place of Dr. Laliteshwar Sinha at para 7 and at para 9 she stated the name of Rakesh Jee in lieu of Rajdeo Jee, which is a common mistake and it will not affect the defence case, however, the learned trial court without considering the aforesaid aspect of the matter, dismissed the petition.

From perusal of the impugned order and the record, it appears that P.W.3 was examined in the year, 2015 and after two years, a petition was filed for correction in deposition and when the case was fixed for argument the learned trial court rejected the petition filed by the petitioner. It further appears that once P.W.3 has deposed before the court it is not open to the court to make correction in the deposition, at best P.W.3 may be recalled and stated so .



In such view of the matter, I do not find any illegality
in the impugned order passed by the learned SDJM.
Accordingly, this revision application is devoid of merit.

Hence, this revision application is dismissed.

(Vinod Kumar Sinha, J)

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