

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.804 of 2018

Arising Out of PS. Case No.-34 Year-2007 Thana- PARSA District- Saran

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1. Mohar Singh @ Mohar Lal Singh,
 2. Chandan Singh @ Chandan Kr. Singh.
 3. Chandeshwar Singh, All Sons of Jogendra Singh @ Yogendra Singh, at Village- Parsadi Diara, P.S.- Parsa, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Binay Kumar Singh
For the Respondent/s : Mr. Sri Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-11-2018 This revision application has been preferred against the order dated 07.06.2018 passed by learned Additional Sessions Judge -X, Saran at Chapra in Sessions Trial No. 520/2009 arising out of Parsa P.S. Case No. 34/2017, G.R. No. 1281/2007, whereby and whereunder the learned Court allowed the a petition under Section 311 of Cr.P.C. filed by the prosecution much after framing of charge on 14.10.2009 and after closure of evidence on 06.03.2018.

Learned counsel for the petitioner has assailed the impugned judgment on the ground that the charge has been framed in the year 2009 and sufficient opportunities have been given to the informant but he did not choose to appear and other witnesses have already been examined and after considering the



same, the prosecution evidence was closed on 06.03.2018. However, on 17.04.2018 a petition under Section 311 Cr.P.C. has been filed by the prosecution side that informant is present in the court as such the petition was allowed and the order passed on 09.04.2018 was recalled, without any rhyme or reasons, which has caused prejudice to the petitioner.

Learned counsel for the State has submitted that the informant is an important witness in this case and as he was present in the court, there is no illegality in the impugned order. Moreover, only five days have been given by the learned court below for examination of the informant and other witnesses, as such, no prejudice will be caused to the petitioner.

Having heard both sides, from perusal of the record, no doubt the prosecution evidence was closed on 09.04.2018 without examining the informant, doctor and Investigating Officer but it appears that on 17.04.2018 informant appeared in the case and a petition under Section 311 Cr.P.C. was filed by the prosecution to recall the order dated 09.04.2018 and hence, the order was recalled and prosecution was given only five days for examination of the rest of the witnesses including informant.

Considering, the above facts, I find no illegality in the order dated 07.06.2018, as informant is an important witness



and for the ends of justice, his examination is essential and it appears that the learned court below has himself given the limited time to the prosecution for examination of informant.

Accordingly, I find no merit in the present revision application and the same is hereby dismissed with direction to the court below to expedite the examination of remaining witnesses and conclude the same within a period of three months from the date of receipt/production of copy of this order.

(Vinod Kumar Sinha, J)

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