

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.646 of 2018

Arising Out of PS. Case No.-48 Year-2013 Thana- BHAPTIAHI District- Supaul

1. Siya Ram Sah, Son of Late Daya Nand Sah, resident of Village- Ram Nagar, Ward No. 11, P.S.- Shahpur Pithi Patti, P.S.- Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Bindeshwar Sah, Son of Sri Basanti Sah.
3. Vishundeo Sah, Son of Late Nanda Lal Sah
Both residents of village – Ramnagar, P.S.- Bhaptiyahi, District - Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat
For the Respondent/s	:	Mr. Sri Akbar Ali
For the opposite Party	:	Mr. Vikramdeo Singh.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-11-2018 This revision application has been filed against the order dated 16.04.2018 passed by learned Additional Sessions Judge, Fast Track Court No- II, Supaul in S.T. No. 57/2014, G.R. No. 1089/2017 (arising out of Bhaptiyahik P.S. Case No. 48/2013), whereby he has closed the evidence of behalf of the prosecution.

Learned counsel for the revisionist – petitioner has assailed the impugned order on the ground that on 06.03.2018 summons were directed to be issued against the doctor and I.O., who has not been examined in this case and without waiting for the service report of the summons, the case has been closed vide order dated 16.04.2018 in a very haste manner and the



allegation is under Section 307 of the Indian Penal Code and evidence of I.O. and doctor is essential to arrive at a just decision.

On the other hand, learned counsel for the opposite party no. 2 has submitted that in his case after order dated 16.04.2018, I.O. has already been examined and petitioner has no knowledge about the same and he has no objection if the doctor is also examined in this case.

In such view of the matter, order dated 16.04.2018 passed by learned Additional Sessions Judge, Fast Track Court No- II, Supaul in S.T. No. 57/2014, G.R. No. 1089/2017 (arising out of Bhaptiyahi P.S. Case No. 48/2013). This application is disposed of with direction to the Trial Court to examine the doctor in this case also by giving at least sufficient opportunity to him to appear in this case.

At the same time, District Magistrate, Supaul is also directed to produce the doctor in the trial court, who will examine him before closing the evidence and try to dispose of the appeal within a period of three months.

(Vinod Kumar Sinha, J)

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