

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.29182 of 2015**

Arising Out of PS.Case No. -45 Year- 2005 Thana -TEGHRA District- BEGUSARAI

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Mukteshwar Singh, Son of Mathura Singh, Resident of Village -Ayodha (Badi patti) P.S Teghra, District Begusarai.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arbind Kumar Sharma, Advocate.

For the Opposite Party/s : Mr. R.N. Jha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 19-02-2018**

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 13.02.2015 passed by the learned Ad hoc Additional Sessions Judge-II, Begusarai, in Sessions Trial No. 154 of 2006 arising out of Tehara P.S. Case No. 45 of 2005 by which the petition filed on behalf of the petitioner for recall of PW Ram Singh for cross-examination was rejected.

2. Notice was issued to the opposite party No. 2 by a coordinate Bench of this Court vide order dated 20.01.2016, but none appeared on her behalf.

3. Heard learned counsel for the petitioner and learned counsel for the State.



4. This Court on perusal of the impugned order finds that Prosecution Witness Ram Singh was examined on 9.12.2011 and he was discharged without cross-examination, as nobody had turned up to cross-examine him.

5. The court below has mentioned in the impugned order that after examination of witness Ram Singh, three further witnesses have already been examined till 20.03.2013.

6. Therefore, this Court does find any illegality in the impugned order.

6. This Criminal Miscellaneous application is accordingly dismissed.

**(Sanjay Priya, J)**

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