

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14938 of 2018

Arising Out of PS.Case No. -1980 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Shambhu Sharan Sinha S/o Late Ram Nath Mahto, R/o Mohalla- Koeri Tola, Chak
Musallahpur, P.S.- Kadam Kuan, Post Office- Mahendru, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.

2. Subhash Kumar, Advocate S/o Sri Baban Singh, R/o Mohalla- Salimpur Ahra,
Gali No. 1, P.S.- Gandhi Maidan, Post Office- Kadam Kuan, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2018

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

2. This application under Section 482 of the Code of
Criminal Procedure has been filed by the petitioner for quashing the
order dated 11.11.2018 passed by the learned Additional Chief
Judicial Magistrate-XI, Patna in Compliant Case No. 1980(C) of
2015 whereby the court below has refused to recall P.W- 1 Shashank
Sagar and P.W-2 Neerad Prasad for their cross-examination.

3. Section 135 of the Negotiable Instruments Act is to be
tried summarily. The trial of the cases under this section, as far as
practicable, is to be continued from day to day until its conclusion



unless the court finds the adjournment of trial beyond following date to be necessary for reasons to be recorded in writing.

4. The petitioner failed to cross-examine the witnesses examined on behalf of the prosecution on three different dates. However, when the petition was filed, the learned Magistrate found no reason for summoning the witnesses already discharged but keeping in mind just decision of the case he allowed cross-examination of complainant while rejecting the application for cross-examination of the two other formal witnesses.

5. In that view of the matter, I see no illegality in the impugned order. The application being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J)

Kanchan/SkSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2018
Transmission Date	04.09.2018

