

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37672 of 2016

Arising Out of PS.Case No. -107 Year- 2010 Thana -KALYANPUR District- EAST
CHAMPARAN (MOTIHARI)

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1. Sukhai Rai @ Sukai Rai son of Late Batak Rai
2. Nawal Rai son of Sukhai Rai @ Sukai Rai Resident of village - Manora, P.S.-
Kalyanpur, District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Priyanka Devi wife of Manju Rai Resident of village - Manora, P.S.- Kalyanpur,
District - East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
Mr. Satyendra Prasad Singh, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-01-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr. P.C.) has been filed by the petitioners for quashing the order dated 01.07.2015 passed in Sessions Trial No.140 of 2011 arising out of Kalyanpur P.S. Case No.107 of 2010 by which he has dismissed the application filed by the petitioners under Section 311 of the Cr. P.C. for recalling the witnesses examined for further cross-examination.

2. In the aforesaid case, the petitioners have been charged inter alia for the offence punishable under Section 307 of the Indian Penal Code.

3. The contention of the petitioners is that after examination of seven witnesses, the parties amicably settled the



dispute and in the interest of justice, it was desirable for the court below to have summoned the witnesses already examined so that questions on the point of compromise would have been asked from the witnesses. He submitted that by rejecting the application filed on behalf of the petitioners, the court below has committed a gross illegality.

4. In the opinion of this Court, the argument advanced by the learned counsel for the petitioners is totally misconceived. Section 307 of the Indian Penal Code is not a compoundable offence. The attempt being made by the petitioners to summon the witnesses for further cross-examination on the point of compromise is nothing, but an attempt to tamper with the evidence and interfere with the cause of justice. I am also of the opinion that the court below has committed no illegality in rejecting the prayer of the petitioners.

5. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2018
Transmission Date	18.01.2018

