

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.97 of 2017

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Mantu @ Mukesh Yadav, S/o Kailash Prasad Yadav,
Resident of Baxi Mohalla, P.S. Khajekalam, Patna City,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Revision No.1063 of 2017

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Mantu @ Mukesh Yadav, S/o Kailash Prasad Yadav,
Resident of Baxi Mohalla, P.S. Khajekalam, Patna City,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In CR. REV. No.97 of 2017)

For the Petitioner/s : Mr. Rudal Singh, Adv.
Mr. Sunil Kumar, Adv.

For the State : Mr. Jai Narain Thakur, APP

(In CR. REV. No.1063 of 2017)

For the Petitioner/s : Mr. Rudal Singh, Adv.
Mr. Sunil Kumar, Adv.

For the State : Mrs. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 05-03-2018

Reg. Cr. Revision No. 97 of 2017:

Mr. Rudal Singh, learned counsel for the petitioner seeks permission to withdraw the present petition since as according to him, this petition has become infructuous.

Dismissed as having become infructuous.

Reg. Cr. Revision No. 1063 of 2017:

The petitioner is aggrieved by the order dated 11.08.2017, passed by the learned Additional District & Sessions Judge-IV, Patna City in Sessions Trial Nos. 700 of 2013/1093 of 2013, arising out of Khajekalan P.S. Case No. 137 of 2013, whereby the prayer made on behalf of the petitioner for recalling the Investigating Officer of this case, who had been examined as P.W. 9 for his cross-examination and had been discharged on 09.01.2017, has been rejected.

A perusal of the records and order impugned reflects that the Investigating Officer of this case (P.W. 9) was examined and cross-examined and, thereafter, by the order dated 07.01.2017, he was discharged. He had already been cross-examined on behalf of the petitioner for four days, *i.e.*, on 24.08.2016, 02.09.2016 and 23.11.2016. He



has also been cross-examined by other sets of accused persons on various dates.

The court below, while dealing with the application preferred under Section 311 of the Cr.P.C. by the petitioner, found that the petition lacked merit and the purpose was only to linger the trial in any possible manner.

This Court does not find any good reason to differ with the order impugned dated 11.08.2017. The request of recall of a witness cannot be entertained for the purposes of delaying the trial. If a witness has been examined on four dates and has also been put to cross-examination by other sets of accused persons, there is no reason to accede to the request of the petitioner be for recalling the Investigating Officer of this case to subject him to any further cross-examination.

The petition does not have any merit and is, accordingly, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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