

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.764 of 2016

Arising Out of PS. Case No.-101 Year-2015 Thana- KASBA District- Purnia

Md. Muntasir son of Md. Sausad, resident of Village-Chandbhati, P.S.-
Dagarwa, District- Purnea

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shahjadi Khatoon, wife of Md. Muntarsir, daughter of Gulam Rasul, at
present resident of Village- Chandbhati, P.S.-Dagarwa, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saghir Ahmad

For the Respondent/s : Mr.Sri Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 05-08-2019 This revision application has been filed against order dated 18.4.2016 passed by the learned District and Sessions Judge, Purnea in Sessions Trial No.501 of 2015, by which he has rejected the application filed by the petitioner under Section 311 of the Code of Criminal Procedure Code .

Facts giving rise to this application is that under Section 304, 307, 498(A), 341, 323, 120(B) and other Sections of the Indian Penal Code, an application had been filed by the Opposite Party No.2, in which charge-sheet has been submitted and cognizance has been taken under the provisions of above Sections as well as Sections 3/4 of the Dowry Prohibition Act. Further case is that during the trial, charges were framed and the



witnesses were examined. Learned Senior Counsel for the petitioner has come to know during the discussions that the informant as well as four witnesses have not been examined and cross examined properly, as such the application filed under Section 311 of the Cr.P.C. has been rejected by the learned District and Sessions Judge, Purnea.

Being aggrieved by the same, the present application has been filed.

Submission of the learned counsel for the petitioner is that the petitioner has to examine the informant and her witnesses only on few points and conclude the same on the same day if they appear for the same, however, from perusal of the petition, which has been filed by the petitioner for examination of the witnesses under Section 311 of the Cr.P.C., it appears that the petitioner had sought for examination of the witnesses in this case as the compromise between the parties has been reached, he has filed the petition for recall of witnesses but has not stated as to on what points he has to cross examine the witnesses.

In view of the above facts and circumstances, the learned District and Sessions Judge, Purnea has dismissed the petition under Section 311 of the Cr.P.C, as such I find no



illegality in the order, hence, this Revision Application is dismissed.

Let a copy of this order be communicated to the learned court below at once so that the trial may be held.

(Vinod Kumar Sinha, J)

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