

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.38637 of 2019

Arising Out of PS. Case No.-156 Year-2007 Thana- WAJIRGANJ District- Gaya

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Sunil Singh, aged about 55 years, male, Son of Janardan Singh, Resident of
Village- Chainpur (Khelari), P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-07-2019 The petitioner has approached this Court against

the orders dated 27.04.2019 and 01.05.2019 passed by the

learned Fast Track Court No.-II, Gaya respectively in

Sessions Trial Nos. 249 of 2017/641 of 2010 (DJ), arising

out of Wazirganj (Tankuppa) P.S. Case No. 156 of 2007,

whereby the prayer made on behalf of the petitioner for

adjourning the case for finding out one missing page of the

deposition of P.W. 9 and the copy of the F.I.R. in question,

has been rejected.



2. From the impugned order and the record of this case, it appears that the present trial is a split sessions trial arising out of Wazirganj (Tankuppa) P.S. Case No. 156 of 2007. The records were received in the Trial Court from a different Court. P.W. 9 is a formal witness. The Additional Public Prosecutor, the in-charge of the case is in possession of the photocopy of the certified copy of the deposition of P.W. 9. By order dated 27.04.2019, the Trial Court directed for the trial to be continued and that the evidenciary value of the missing page of the deposition of P.W. 9 would be seen by the Trial Court at the time of the judgment. After about a few days of the aforesaid order passed by the Trial Court, another petition was filed stating that the order dated 27.04.2019 only refers to the missing page from the deposition of P.W. 9, a formal witness, and there is no reference of the F.I.R. in question. The photocopy of the F.I.R. is available with the parties. However, it appears from the records that the aforesaid F.I.R. has not been exhibited and the marking of the exhibits is found to have been crossed in the record.



3. In any view of the matter, for this the trial cannot be halted and more so, when a Bench of this Court *vide* order dated 10.04.2019 passed in Cr. Misc. No. 20453 of 2019 has directed the Trial Court to conclude the trial within one month of the receipt/production of a copy of the order.

4. The present petition appears to be for the purposes of unnecessarily delaying the process of trial.

5. The petition has no merit and is, accordingly, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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