

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78317 of 2019

Arising Out of PS. Case No.-25 Year-2015 Thana- KUCHAIKOTE District- Gopalganj

Dhunmun Ram @ Tunmun Ram, Son of Late Raghuni Ram, Resident of
Village - Bhubhi Chak, P.S.- Kuchaikot, Distt.- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Sheshar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-12-2019 This application has been filed against the order dated 28.08.2019 passed by the learned Additional Sessions Judge-IV, Gopalganj in S.T. No. 197 of 2016, by which, he has rejected the application filed on behalf of the petitioner under Section 311 of Cr.P.C.

The ground for quashing of the impugned order is that petitioner wants to recall the I.O. to take some contradictions, which has come in the evidence of the PW.1 and that can be done only by recall of I.O. and provide petitioner an opportunity for one day to take contradictions. It has also been submitted that petition under section 311 Cr.P.C. can be filed at any stage.

On the other hand, learned APP has opposed the prayer for quashing of the impugned order on the ground that I.O. has been examined and cross examined and discharge and



now at the stage of argument petition has been filed under section 311 Cr.P.C. for recall of the I.O. Moreover no prejudice will be caused to the defence as case diary is also available on record, it is only for the purpose delaying the disposal of trial.

Having heard both sides, in view of the facts, as stated and since already petitioner has got an opportunity to cross examine the I.O., application filed under section 311 Cr.P.C. cannot be allowed to fill up the lacuna.

Accordingly, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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