

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78362 of 2019

Arising Out of PS. Case No.-11 Year-2012 Thana- SC/ST District- Bhojpur

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Rajeshwar Ram Son of Late Ram Janam Ram, Resident of Village-Dhamar,
P.S-Ara Muffasil, District-Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Satan Yadav @ Satya Narayan Yadav Son of Sheo Janam Yadav, Resident of Village-Dhamar, P.S.-Ara Muffasil, District-Bhojpur.
3. Shatrudhan Yadav Son of Sheo Janam Yadav, Resident of Village-Dhamar, P.S.-Ara Muffasil, District-Bhojpur.
4. Purnmasi Yadav Son of Vishwanath Yadav, Resident of Village-Dhamar, P.S.-Ara Muffasil, District-Bhojpur.
5. Sheoji Ram Son of Late Devi Dayal Ram, Resident of Village-Dhamar, P.S.-Ara Muffasil, District-Bhojpur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Braj Kishore Singh, Advocate
For the Opposite Party/s : Mr.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present is aggrieved by and dissatisfied with the order dated 09.09.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Bhojpur at Ara in SC/ST Case No. 42 of 2015 arising out of Complaint Case No. 702 (C) of 2012 which was registered as Case No. 11 of 2012 for the offences punishable under Sections 323, 341, 504, 307/34 of the Indian Penal Code and Section 3(i)(x) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioner submits that in this case on 09.09.2019 the prosecution evidence was closed. It is submitted that the Investigating Officer of the case has not been examined and even though the informant had filed a petition to issue a show cause and warrant of arrest against the Investigating Officer, the same has not been considered.

A perusal of the impugned order dated 09.09.2019 does not show filing of any application on behalf of the informant. In the present application also there is no statement that on which date the informant had filed the petition dated 08.08.2019 in the learned court below and further neither in the petitioner nor in course of hearing learned counsel for the petitioner has been able to demonstrate as to how the non-examination of the I.O. in this case is likely to adversely affect the prosecution. It further appears that on the next date after closure of evidence of the prosecution, on 25.09.2019 the informant had appeared and filed a list of documents, on 26.09.2019 statement of the accused persons were recorded under Section 313 Cr.P.C. and on 18.10.2019 the defence evidence was closed and the case was posted for argument on 08.11.2019.



On all these dates the petitioner did not file any application in the court below pointing out his application as contained in Annexure '2' to the present application and no step was taken for recall of the closure of the prosecution evidence.

Under such circumstance, this Court is unable to accept the contention of the petitioner that Annexure '2' was filed in the court below on 08.08.2019 as has been orally disclosed by the learned counsel for the petitioner. To this Court, it appears that at this stage the present application has been filed only to delay the conclusion of the case.

The application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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