

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.703 of 2019

Arising Out of PS. Case No.-111 Year-2007 Thana- SULTANGANJ District- Patna

1. Pushpa Devi Wife of Arvind Kumar Resident of Mohalla - Sndalpur, P.S.- Sultanganj, P.O.- Mahendru, District - Patna.
2. Surendra Kumar @ Manoj Kumar Son of Arvind Kumar Resident of Mohalla - Sndalpur, P.S.- Sultanganj, P.O.- Mahendru, District - Patna.
3. Lalita Devi Wife of Sunil Kumar Singh Resident of Mohalla - Sndalpur, P.S.- Sultanganj, P.O.- Mahendru, District - Patna.
4. Babita Kumari Daughter of Arvind Kumar Resident of Mohalla - Sndalpur, P.S.- Sultanganj, P.O.- Mahendru, District - Patna.
5. Sunil Kumar Son of Late Birja Ram Resident of Mohalla - Sndalpur, P.S.- Sultanganj, P.O.- Mahendru, District - Patna.

... .. Petitioners

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Dr. Anshuman, Advocate
For the Respondent/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-02-2020 Heard learned counsel for the petitioners.

Petitioners in this case are seeking setting aside of the order dated 18.03.2019 passed by learned Additional Sessions Judge Vth, Patna City in Connection with S.Tr. No. 2489 of 2008/1074 of 2008 by which the application preferred by the petitioners under Section 311 Cr.P.C., has been rejected. The operative part of the impugned order which have been read out by learned counsel for the petitioners reads as under :-

“From the petition it appears that the tape contains conversation between petitioner Manoj



Kumar and informant, in which informant has allegedly demanded three lakh rupees from the petitioner if accused persons want to be acquitted from the case. This court feels that even if the conversation between the parties is supposed to be true, it will have no bearing on the outcome of this case. Section 304B IPC is a non compoundable offence and it cannot be compounded even if informant comes out with a compromise with the accused. Prosecution evidence is also closed in the year 2011 itself. This court is also of the view that there is no provision under Section 311 CrPPC to allow defence to play alleged tape recorder before the court. It is merely a delay tactics of the defence to prolong the final hearing of final arguments of this case. From the records of this case also it is evidence that last prosecution witness was examined on 1.7.2011 and the accused persons have been examined under Section 313 Cr.P.C. on 10.9.2013. Accused persons had earlier also filed a petition under Section 311 CrPC for allowing them to produce their evidence which was allowed by this court vide order dated 30.05.2016, but defence could not produce any evidence, so the defence evidence was once again closed on 25.10.2016. Thereafter the case was put up for arguments. Again accused persons filed a petition under section 311 CrPC for recalling order dated 25.10.2016, but it was rejected by the order of this court dated 22.6.2017. Thereafter matter was proceeding on for final arguments by the defence till filing of present petition on 25.2.2019. Records of this case show that accused persons are taking years to complete their final arguments within time and trying to prolong and delay the matter as much as they could to defeat the ends of justice.”

Although, learned counsel for the petitioners has assailed the impugned order submitting that the learned court below has not taken a correct view of the matter and has



rejected the petition on irrelevant consideration, this Court finds that the impugned order is self-explained and the reasonings provided by the learned court below are in accordance with law. The learned court has considered the kind of material which are being sought to be brought at this stage and has correctly held that those materials are not at all relevant for the purpose of present case, the court has rightly noted down the earlier steps taken by the defence to prolong the trial and then it has come to a conclusion that the present application is also a mere attempt to delay the trial of this case. The case is pending for hearing since 25.10.2016.

This revision application has, thus, no merit. It is dismissed accordingly.

Learned trial court shall proceed with the trial and conclude the same at the earliest opportunity without granting any unnecessary adjournment.

(Rajeev Ranjan Prasad, J)

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