

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44082 of 2019

Arising Out of PS. Case No.-152 Year-2009 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. SAROJ KUMAR JHA @ SAROJ JHA Son of Shuvkant Jha Resident of
Village- Chauki, Police Station- Sahebpurkamal, District- Begusarai.
 2. Manoj Kumar Jha @ Manoj Jha Son of Shuvkant Jha Resident of Village-
Chauki, Police Station- Sahebpurkamal, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 31-01-2020

Heard learned counsel for the parties.

This application has been filed under Section 482 of the Cr.P.C for quashing the order dated 20.05.2019 passed by learned Additional Sessions Judge-III, Begusarai in Sessions Trial No. 416 of 2010, by which petition under Sections 311 of Cr.P.C. for examination of defence witnesses for exhibiting the document relating to place of occurrence has been rejected by the trial court.

The trial court in its order dated 20.05.2019 had held



that statement of all the accused persons were recorded under Section 313 of Cr.P.C and thereafter the case was fixed for defence evidence. The defence was granted ample opportunity to produce evidence on various dates i.e. 20.04.2018, 28.05.2018, 09.07.2018, 01.08.2018 and 10.08.2018, but no defence witness was produced nor any relevant document was filed, and thereafter the case was fixed for final argument and instead of participating in the final argument, they have filed petition under Section 311 of the Cr.P.C after 10 years of institution of the case and the trial court has also held that accused petitioner has not produced medical certificate to support his plea taken in paragraph no. 2 of the petition that accused no. 1 Subhankar Mishra was ill and all the relevant documents relating to land was in his custody, and accordingly rejected the petition.

Learned counsel for the petitioners has relied upon judgment and order passed by this Court in the case of **Rajan Tiwary vs. Union of India** reported in **2006(3) PLJR 231** and **Ashutosh Mishra and Ors vs. The State of Bihar & Ors** reported in **2017(3) PLJR 152**, but these judgment and order are not applicable in facts and circumstances of the present case.



The trial court has found that present petition has been filed only to delay the trial. Moreover the place of occurrence is not disputed and documents relating to title and possession of the land is not relevant in criminal trial.

This court does not find any error or irregularity in the order dated 20.05.2019 passed by learned Additional Sessions Judge-III, Begusarai in Sessions Trial No. 416 of 2010.

The criminal miscellaneous petition is dismissed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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