

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83141 of 2019**

Arising Out of PS. Case No.-98 Year-2013 Thana- TEGHRHA District- Begusarai

KAMESHWAR YADAV Son of Buchchan Yadav Resident of Village-
Jahangirpur, P.S.- Mahe Singhiya, District- Samastipur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Shailendra Kumar, Advocate. Mr. Saket Kumar, Advocate.
For the State	:	Ms. Shaheen Begum, A.PP.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 09-01-2020

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. By filing this application, the petitioner has
invoked the jurisdiction of this Court under Section 482 of the
Code of Criminal Procedure to quash the order dated
16.08.2019 passed in Sessions Trial No.42 of 2014, whereby
and whereunder the learned Additional Sessions Judge-XIII,
Begusarai, while allowed the petition of the accused-petitioner
filed under Section 311 of the Code of Criminal Procedure in
respect of adducing the defence evidence and some document
before the court but refused the prayer of the accused-petitioner
for recalling the P.W.1 Md. Ezaz, P.W.2 Ajay Kumar Ajnawi and



P.W.3 Damodar Yadav for their cross-examination.

3. From perusal of the impugned order dated 16.08.2019, it appears that the accused-petitioner filed a petition under Section 311 of the Code of Criminal Procedure on 02.08.2019 for recalling the P.W.1 Md. Ezaz, P.W.2 Ajay Kumar Ajnawi and P.W.3 Damodar Yadav for their cross-examination and also for adducing the defence evidence and some document before the court after closure of the prosecution evidence and the learned Additional Sessions Judge-XIII, Begusarai, on perusal of the contents of the petition filed on behalf of the accused-petitioner and the submission of the parties, through the impugned order, refused the prayer of the accused-petitioner for recalling the P.W.1 Md. Ezaz, P.W.2 Ajay Kumar Ajnawi and P.W.3 Damodar Yadav for their cross-examination, while allowed the other prayer of the accused-petitioner for adducing the defence evidence and some document before the court, taking into consideration that P.W.1 Md. Ezaz, P.W.2 Ajay Kumar Ajnawi and P.W.3 Damodar Yadav were examined on 04.05.2015, 18.05.2015 and 30.06.2015 respectively. Thereafter, P.Ws.4, 5, 6 and 7 were also examined and the prosecution evidence was closed on 14.11.2017. Thereafter, the statement of the accused-petitioner under Section 313 of the Code of



Criminal Procedure was recorded on 12.12.2017 and the defence evidence was also closed on 15.06.2019.

4. I find no illegality in the impugned order dated 16.08.2019 amounting to an abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.01.2020.
Transmission Date	09.01.2020.

