

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6762 of 2022

Arising Out of PS. Case No.-2398 Year-2013 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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NARENDRRA PASWAN, S/o Jiut Paswan, Resident of village- Bairiya Dih,
P.S. - Harsidhi, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kiran Devi, W/o Chandra Bhushan Singh @ Munna Singh.
3. Kanti Devi W/o Bachcha Singh.
4. Shashi Bhushan Singh, S/o Bachcha Singh.

All (2 to 4) are resident of village- Bairiya Dih, P.S.- Harsidhi,
District- East Champaran

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ramakant Yadav, Advocate
For the Opposite Party	:	Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioners is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The present application has been filed for quashing
of the order dated 23.07.2021 passed by the Additional Sessions
Judge, VIII, East Champaran at Motihari, in Cr. Rev. No. 51 of
2020, arising out of Trial No. 24 of 2019 (Complaint Case No.
2398 of 2013) by which the Revisional Court has dismissed the
Revision Application filed by the petitioner and also imposed a
cost of Rs. 2,000/- to be deposited in the Nazarat of Civil Court,



Motihari. The petitioner also prayed for quashing the order dated 21.01.2020 passed by learned Judicial Magistrate, 1st Class, Motihari Sadar, East Champaran, in connection with Trial No. 24 of 2019 (Complaint Case No. 2398 of 2013) whereby and whereunder the learned Magistrate has rejected the petition filed under Section 311 of the Criminal Procedure Code.

By the impugned order dated 21.01.2020 the application for recalling of the witnesses under Section 311 of the Cr.P.C. has been dismissed. The Revision Application preferred against the aforesaid order dated 21.01.2020 has also been dismissed by the Revisional Court vide order dated 23.07.2021.

In view of concurrent findings of the Courts below and also considering the fact that the petitioner has not been able to point out any illegality in the original order as well as Revisional order, this Court does not find any illegality in the impugned orders. However, the cost of Rs. 2,000/- imposed by the learned Revisional Court vide order dated 23.07.2021 is hereby waived.

Accordingly, this quashing petition is partly allowed to the extent as indicated above.

(Sandeep Kumar, J)

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