

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.422 of 2022

Arising Out of PS. Case No.-229 Year-2020 Thana- NAUBATPUR District- Patna

Pradum Ram Son Of Subedar Das R/O Village- Tarwan, P.S.- Naubatpur,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Respondent/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the office within two weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is aggrieved by the order dated 09.06.2022 passed by learned Additional Sessions Judge VII-cum-Exclusive Special Court (POCSO Act), Patna in Spl. Case No. 82 of 2020. By the impugned order, the learned Special Judge has refused to allow the application under Section 311 Cr.P.C.

In fact, the petitioner wanted to re-examine PW 2 and PW 3 who are the victim girl and her mother respectively. It is the stand of the petitioner that now the matter has been compromised between the parties, therefore, the re-statement of



PW 2 and PW 3 is required.

The learned court below has taken a view that PW 2 and PW 3 having been examined and cross-examined at length, now they cannot be called upon to be re-examined on the ground of a compromise in a case under Section 376 IPC and under Section 4 of the POCSO Act. Learned court below has taken a view that application under Section 311 Cr.P.C. may be allowed to recall witness only when it is essential to just the decision in a case.

This Court having perused the impugned order finds no illegality or infirmity so as to interfere with the same.

This revision application is dismissed.

Certified copy of this order will be made available only after removal of defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

