

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.585 of 2018

Arising Out of PS. Case No.-235 Year-2006 Thana- DANAPUR District- Patna

Raghunath Mahto S/o Bishundeo Mahto, resident of Village- Bibiganj,
Bhathapar Danapur, P.S. Danapur, District- Patna.

... .. Petitioner.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Petitioner	:	Mr. Santosh Kumar Singh, Advocate
For the Informant	:	Mr. Arun Kumar Arun, Advocate
		Mr. Santosh Kumar Jha, Advocate
For the State	:	Mr. Satyadev Prasad Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The present revision application has been preferred against the order dated 12.03.2018 passed by the learned A.D.J.- VII, Danapur in S.T. No.205/2010, arising out of Danapur P.S. Case No.235 of 2006, whereby, he has accepted the prayer of the prosecution for exhibiting a Compact Disk (CD) as material Exhibit-1.

The prosecution case, in brief, is that one Soni Devi lodged her fardbeyan before the police that while she was engaged in kitchen her father-in-law (petitioner) in association of her mother-in-law and Devar tried to set ablaze her. Thereafter, she was rushed to hospital. Her husband has not



opened his mouth due to fear.

During course of trial opposite party (State) filed a petition on 05.02.2018 before the Trial Court with a prayer that a CD in which statement of deceased has been recorded be marked as exhibit for the ends of justice. The petitioner filed a rejoinder on 20.02.2018 stating, *inter alia*, that the petition dated 05.02.2018 filed by opposite party no.2 is not maintainable in the eye of law. Ten witnesses including the informant has been examined but none of them have claimed either before the police or before the learned Trial Court that any CD was prepared while the victim Soni Devi was giving her statement. The learned Trial Court admitted the aforesaid petition of opposite party no.2 and the CD deposited by the prosecution has been marked as material Exhibit without considering the rejoinder filed by the petitioner. Hence, this revision application.

Having heard learned counsel for the parties and perusing the materials available on record, I direct the learned Trial Court to handover one copy of the aforesaid CD to the defence. The petitioner is directed to raise all the points raised in the present application before the learned Court below. Thereafter, the learned Court below shall pass order, after



affording ample opportunity of hearing to the concerned parties
and pass order in accordance with law.

With the aforesaid direction, this application stands
disposed of.

(Anjani Kumar Sharan, J.)

Sanjay/-

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