

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10103 of 2023

Arising Out of PS. Case No.-119 Year-2016 Thana- UCHKAGAON District- Gopalganj

Suresh Choudhary @ Suresh Yadav, Son of Bhagwat Yadav R/V- Sathi, P.S-
Uchkagaon, Dist- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. Binod Yadav Son of Ramakant Choudhary R/V- Sathi, P.S- Uchkageon,
Dist- Gopalganj

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Jitendra Kumar Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP
For Opp. Party No.2	:	Mr. Akhilesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 14.10.2022 passed by learned Additional District & Sessions Judge, X, Gopalganj, in Sessions Trial No.08 of 2017, by which the learned trial court has rejected the petition filed by petitioner for cross-examination of Investigation Officer of the case.

3. Learned counsel for the petitioner submits that the lawyer representing the petitioner in trial court did not cross-examine the Investigating Officer of the case for the reasons best known to him. He further submits that the petitioner is facing a trial under Section 302 of the Indian Penal



Code and therefore, in the interest of justice he should get a chance to cross-examine the Investigating Officer of the case.

4. Learned counsel for the opposite party no.2 has opposed the prayer of the petitioner.

5. Considering the fact that the petitioner is facing a trial under Section 302 of the Indian Penal Code and the cross-examination of the Investigating Officer of the case is necessary in the interest of justice, this application is allowed.

6. Accordingly, the order dated 14.10.2022 passed by learned Additional District & Sessions Judge, X, Gopalganj, in Sessions Trial No.08 of 2017, is set aside. The trial court is directed to conclude the cross-examination of the Investigating Officer of the case within two months from the date of receipt/production of a copy of this order. There shall not be unnecessary delay in the trial.

(Sandeep Kumar, J)

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