

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9430 of 2021

Arising Out of PS. Case No.-246 Year-2008 Thana- JAHANABAD District- Jehanabad

SANJAY KUMAR VERMA S/o Late Sonu Lal Verma R/o Mohalla- Bari
Sangat, P.O.- Jehanabad, P.S.- Jehanabad, District- Jehanabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baleshwar Prasad S/o Late Ram Kisun Sao R/o Village- Hisua Bazaar, P.O.-
Hisua, P.S.- Hisua, District- Nawada, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Krishna Gupta Mr.Madan Mohan Prasad
For the Opposite Party/s	:	Mr.Ramesh Chandra

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-09-2023 Heard the learned counsel for the petitioner as well
as the learned APP for the State.

This application has been preferred under Section
482 of the CrPC for setting aside the order dated 23.12.2019
passed in ST No. 470 of 2008 (27/2017) arising out of
Jehanabad P.S. Case No. 246 of 2008 (G.R. No. 1468 of 2008).

The petitioner is an accused of committing dowry
death of his wife. Admittedly, two children of the deceased were
examined during the trial in the year 2020 and after a lapse of
four years of their examination, the petitioner filed a petition to
recall these witnesses, which was rejected by the learned trial
court by the impugned order dated 23.12.2019.



The learned trial court has mentioned that the witnesses were already cross-examined by the petitioner at great length and they were not required to be recalled.

The learned counsel for the petitioner has relied upon a decision of the Hon'ble Supreme Court, reported in *1969 (0) AIJEL-SC 17829, Mohd. Husain Umar Kochra v. K.S. Dalipsinghji* and has submitted that in paragraph no. 19 of the said judgment, the Hon.ble Supreme Court has held that if the court is satisfied then in the interest of justice, the witnesses should be recalled.

In my view, the learned court below has given cogent reason for not recalling these witnesses.

Accordingly, this criminal miscellaneous petition is dismissed.

(Nawneet Kumar Pandey, J)

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