

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20438 of 2017

Arising Out of PS. Case No.-145 Year-2010 Thana- BUXAR MUFFSIL District- Buxar

Jitendra Singh Son of Dhananjay Singh, Resident of Village- Mahdah, P.S.
Buxar Mufasil, District Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present quashing application has been filed seeking quashing of the order dated 21.01.2017 passed by the learned A.D.J.-IV, Buxar in Sessions Trial No.312 of 2010 arising out of Buxar (Muffasil) P.S. Case No. 145 of 2010, whereby application dated 21.09.2016 filed on behalf of the petitioner under Section 311 of Cr.P.C. stands rejected.

3. The learned counsel for the petitioner submits that the trial still is going on, it is a case under Section 302 of the I.P.C. read with other sections, it is next submitted that Sharda Devi who is wife of the deceased was examined and her examination-in-chief was recorded on 10.05.2012 and thereafter, she was discharged as from the side of the



petitioner/accused person she was not examined, it is further submitted that thereafter, on 21.09.2016 an application from the side of the petitioner was filed seeking recall of Sharda Devi wife of the deceased for cross examining her, it is next submitted that the said application of the petitioner was rejected by order dated 21.01.2017 which is impugned in the quashing application.

4. The learned counsel for the petitioner further submits that for the ends of justice Sharda Devi be directed to appear before the learned Trial Court for her cross examination, so that the truth can come out.

5. The learned A.P.P. for the State has vehemently opposes the quashing application and submits that Sharda Devi was examined on 10.05.2012 and thereafter, she was discharged as she was not cross examined and four years thereafter, the present application came to be filed under Section 311 of Cr.P.C. and the learned Trial Court has rightly rejected the same vide order dated 21.01.2017 recording that the application under Section 311 of Cr.P.C. is nothing but a ploy to delay the Trial, the learned A.P.P. further submits that it absolutely does not stand to reason that the F.I.R. is of the year 2010 and till date the trial is pending as submitted by the learned counsel for the



petitioner which amply demonstrates that the accused persons are trying to delay the case.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to interfere with the order impugned, accordingly, the present quashing application stands rejected.

(Satyavrat Verma, J)

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