

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55929 of 2017

Arising Out of PS. Case No.-13 Year-1998 Thana- NAURANGIA District- West Champaran

Radha Devi W/o late Nagendra Pandey Resident of Village- Bankatwa, P.S.
Bagha, District- West Champaran Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Ranjan- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. In the nature of prayer made in the quashing application, the Court does not find any merit in the case as it appears that the quashing application filed is misconceived, for the reason that the leaned counsel for the petitioner submits that the mother of the deceased Radha Devi (petitioner) filed an application under Section 311 of the Cr.P.C. before the learned trial Court for recalling certain witnesses and the said application filed on behalf of the petitioner under Section 311 of the Cr.P.C., till date, has not been decided by the learned trial Court and in absence of



decision, the defence witnesses have been asked to be examined. The learned counsel thus submits that a direction be given to the learned trial Court for deciding the application filed on behalf of the petitioner under Section 311 of the Cr.P.C.

3. The learned Additional P. P. vehemently opposes the submissions made by the learned counsel for the petitioner and submits that if the petition filed on behalf of the petitioner under Section 311 of the Cr.P.C. is not being taken up by the learned trial Court, in that event, the proper remedy for the petitioner is to move before an appropriate forum in accordance with law and not before this jurisdiction.

4. Considering the submission made by the learned Additional P. P., the Court is not inclined to entertain the quashing application.

5. The quashing application is rejected accordingly.

(Satyavrat Verma, J)

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