

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36863 of 2015**

Arising Out of PS. Case No.-119 Year-2011 Thana- SHAMBHUGANJ District- Banka

Genawati Devi

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mritunjay Prasad Singh
For the Opposite Party/s :	Mr. Jharkhandi Upadhyay, APP
	Mr. Ranjan Kumar Jha, Adv

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-03-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the order dated 01.07.2015 passed by the learned Additional District and Sessions Judge, Banka in S.Tr. No. 93 of 2012 arising out of Shambhuganj P.S. Case No. 119 of 2011.

By the impugned order dated 01.07.2015, application under Section 319 Cr.P.C. for summoning additional accused has been rejected.

It has been contended by the learned counsel for the petitioner during investigation some witnesses have taken the name of the accused persons who are sought to be summoned.



Shri Ranjan Jha appears for the State and he submits that during investigation the accused persons who are sought to be summoned are exonerated and now on the basis of some material the accused cannot be summoned again. For this, learned counsel for the State has relied on the Judgment of Hon'ble Supreme Court in the case of *Michael Machado and Anr. Vs. Central Bureau of Investigation and Anr. 2000 (3) SCC 262*.

Considering the aforesaid submissions of the learned Counsel for the State as well as the Judgment of Hon'ble Supreme Court in the Case of *Michael Machado and Anr. Vs. Central Bureau of Investigation and Anr. (Supra)*, this application is dismissed.

(Sandeep Kumar, J)

Vikas/Shishir

U			
---	--	--	--

