

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1014 of 2016

Arising Out of PS. Case No.-154 Year-2007 Thana- NASRIGANJ District- Rohtas

Jaglal Sharma S/o Late Ram Krishna Sharma resident of Village-Khutaha,
P.S.-Nasriganj, District-Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Respondent/s : Mr. Sri Madhuranand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present Cr. Revision Application has been filed for quashing the order dated 16.08.2016 of Trial No. 535 of 2011 arising out of Nasariganj P.S. Case No. 154 of 2007 pending before the court of A.D.J.-I Rohtas who has refused to recall the order dated 28.10.2015 by which the prosecution witness has been closed.

Counsel for the petitioner submits that the examination-in-chief of the present petitioner took place who is informant/ witness of the said P.S. Case. Counsel submits that due to his illness, he could not appear before this court. In the meantime, evidence of prosecution completed, case has been fixed for statement of accused persons under Section 313 of Cr.P.C. and thereafter, this case was fixed for argument.

The report has been called for from the Trial Court which has been received by letter No.21 dated 24.02.2023 by

which it transpires that out of 20 charge-sheet witnesses, evidence of only one witness took place and P.W. was closed on 28.10.2015. The examination of accused persons took place on 29.10.2015 and thereafter, case has been fixed for argument. It transpires to this court that it is a case of 2007 and presently, April, 2023 is going on but case is fixed for argument.

Petitioner is the informant here whose evidence has taken place before the court for one day and thereafter, he did not opt to appear. Granting opportunity, the Court below has closed the evidence of P.W.

Counsel for the State submits that with a view to make this matter linger, the present application was filed.

Considering the facts that the case is of 2007, evidence of P.W. has been closed on 28.10.2015 and examination of accused persons under section 313 took place on 29.10.2015, thereafter, this case is pending for final argument. Due to pendency of the present criminal revision, such an old case could not be disposed of.

In the present facts and circumstances, I am not inclined to interfere in the order dated 16.08.2016 and the present Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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