

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.552 of 2018

Arising Out of PS. Case No.-35 Year-2015 Thana- SARE District- Nalanda

Shiv Balak Chaudhary @ Shi Balak Chaudhary S/o Late Chandar Chaudhary,
Resident of Village- Khetalpura, Police Station- Sare, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav
For the Respondent/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 13-12-2023 None appears on behalf of the petitioner.

2. As Criminal Revision cannot be dismissed for default, I proceed to dispose of the application on merit on the basis of submissions made by the learned APP.

3. Sare P. S. Case No. 35 of 2015 was registered on the basis of a Fardbeyan made by the informant to the police at Patna Medical College Hospital, alleging, inter alia, that on 14th of April, 2015, when he along with his father and sister were carrying bundles of wheat near Mahto Tola Pul, the accused persons attacked them, seriously assaulted the father of the informant, namely, Mahesh Chaudhary, as a result of which, he sustained injury on her belly, hands, feet and head. The sister of the informant,



namely, Babita Kumari, also sustained injury and the accused persons fractured her hand by assaulting her. The informant also was assaulted. Mahesh Chaudhary was brought to the local hospital and thereafter, he was referred to the Patna Medical College Hospital where he was declared dead. After due investigation, police submitted charge-sheet against the accused persons and trial of the case commenced as Sessions Trial No. 381 of 2016.

4. It is the grievance of the petitioner that there are twelve witnesses in the charge-sheet. However, prosecution examined only eight witnesses and intentionally withheld four witnesses for examination. After examination of eight witnesses, prosecution declared closure of examination of witnesses on behalf of the prosecution and the date was fixed for examination of the accused persons under Section 313 of the Cr.P.C. On that date, the petitioner filed an application praying for a direction upon the prosecution to produce remaining four charge-sheeted witnesses. The Trial Court rejected the said application.

5. It is needless to say that in a criminal trial, it is for the prosecution to decide how many witnesses are



required to be examined to bring home the charge. If the prosecution thinks not to examine some of the witnesses due to one reason or the other, it cannot be compelled or forced to produce the said witnesses. If the defence wants to examine the said witnesses, they have the chance to summon them and examine them as defence witnesses (DW).

6. In view of such circumstances, rejection of the petition filed on behalf of the accused-petitioner does not appear to suffer from any illegality, impropriety or the said order was not passed beyond the jurisdiction of the Trial Court.

7. For the reasons stated above, I do not find any merit in the instant revision.

Accordingly, the instant revision is dismissed.

(Bibek Chaudhuri, J)

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