

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.665 of 2022

Arising Out of PS. Case No.-39 Year-2018 Thana- SARAI RANJAN District- Samastipur

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Md. Sahanwaz @ Md. Sahanabaj Son Of Md. Bani Israil Resident Of Village
- Karikoshi Bandh, P.S.- Manihari, District – Katihar. Petitioner/S
Versus

The State Of Bihar.

... .. Respondent/S

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Appearance :

For The Petitioner/S : Mr. Rajiv Kumar Singh, Adv.

For The Respondent/S : Mr. Narsingh Tanti, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-04-2023 The present application is against the order dated 22.07.2022 passed by Additional Sessions Judge-8, Samastipur in S.T. No. 435/2018/199/2018 arising out of Sarairanjan (Sarayranjan) P.S. Case No. 39 of 2018, by which application of the petitioner to recall the informant- P.W. 2 for his re-cross examination in relation to his earlier statement has been rejected.

Counsel for the petitioner submits that presently the evidences of the prosecution witnesses are going on. Counsel submits that the evidence of P.W.-2 has closed on 26.04.2022 and on the very next day fixed in this case i.e. on 30.05.2022 petitioner filed an application for cross examination of P.W.-2 on the points of :-

- a. Place of occurrence.
- b. Manner of occurrence.
- c. On the point of identification.

Counsel for the petitioner submits that the evidences of prosecution witnesses is still going and he assures to this Court that upon recall, he shall conclude his evidence within one day, fixed by the Court.

In the interest of justice, liberty is hereby granted to the petitioner to put those questions from P.W.-2 in one day only, as fixed by the Court.

If on the said date, no evidence shall take place for any reason by the present petitioner no further opportunity shall be granted.

In the interest of justice, the order dated 22.07.2022 passed by Additional Sessions Judge-8, Samastipur in S.T. No. 435/2018/199/2018 arising out of Sarairanjan (Sarayranjan) P.S. Case No. 39 of 2018 is **set-aside**.

The Trial Court is directed to fix a specified date for cross-examination of P.W.2, on the points mentioned above.

With the aforesaid direction, this Cr. Revision is allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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