

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.17 of 2017

Arising Out of PS. Case No.-185 Year-2005 Thana- SARAIYA District- Muzaffarpur

Binod Kumar Singh son of Late Narayan Singh, resident of village - Nargi Jeevnath, P.S. - Saraiya Jaitpur O.P., District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Raj Kumar Singh, son of Late Bijali Singh
3. Birchandra Singh, son of Late Bijali Singh,
4. Dilip Kumar Singh, son of Late Bijali Singh,
5. Baleshwar Tiwari, son of Late Rajeshwar Tiwari,
6. Akhileshwar Tiwary, son of Rajeshwar Tiwari,
7. Kusmakar Tiwari, son of Kameshwar Tiwari,
8. Diwakar Tiwari, son of Baleshwar Tiwari, All are resident of village - Nargi Jeevath, P.S. - Saraiya Jaitpur O.P., District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vipin Kumar, Adv.
For the Respondent/s	:	Mr. Sri Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 05-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Revision Application has been filed against the judgment /order of acquittal passed by learned Addl. Sessions Judge-12, Muzaffarpur in Sessions Trial No. 66/08 dated 09.02.2016 by which acquittal of 7 accused O.Ps. No.2 to 8 of the charges under Sections 307, 149, 341, 342 and 323 of the I.P.C. took place.

Counsel for the petitioner submits that from the record

of the case, it is very much clear that charge was framed on 18.08.2011 under Sections 307, 149, 341, 342 and 323 of the I.P.C. and thereafter, case was fixed for adducing the evidence of prosecution witness but no prosecution witness has turned up in result, this case was closed and finally the order of acquittal has been passed vide order dated 09.02.2016.

Counsel for petitioner submits that witnesses and the informant could not turned up for adducing evidence due to the reason that no processes have been served upon the witnesses in result, the present case filed.

Counsel for the informant submits that he is ready today and seeking only one chance to produce the witnesses.

From the records of the case which is annexure bearing entire order sheet of Sessions Trial No.66/2008, it become crystal clear that on series of occasions summons, BWs, NBWs and other processes have been issued to prosecution witnesses but the prosecution witnesses did not turned up and lastly, the court has no option and closed the evidence and finally passed the order of judgment. From the record, it transpires to this court that the S.Trial No. of this case is 66/2008 / 07/2008 meaning thereby, the trial has been started in the year 2008 itself and continuing upto 2023. As such, the

parties are under litigation since more than 14 - 15 years.

In this view of the matter, I am not inclined to interfere in the said judgment. As such, the present Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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