

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70889 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- SURYAGARHA District- Lakhisarai

GODA DEVI W/O SUBODH SINGH R/v- Sobhani, P.S.- Suryagarha,
District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. DHARMENDRA KUMAR SINGH @ DHARO S/o Late Sonelal Singh R/v-
Sobhani, P.S.- Suryagarha, District- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-07-2023 Heard the parties.

2. The present petition has been filed for quashing the order dated 22.09.2022 passed by the learned Additional Sessions Judge-III, Lakhisarai in Sessions Trial No. 113 of 2021 by which the application filed on behalf of the petitioner and other accused persons for recalling of the statement of PW-3- Dharmendra Kumar Singh @ Dharo has been rejected.

3. It has been submitted by learned counsel for the petitioner that cross-examination of PW-3 was necessary and therefore, the application for recalling the statement of PW-3 was filed but the trial court has rejected the same without appreciating the facts of the case.



4. I have considered the submissions of learned counsel for the petitioner and also perused the impugned order. In the petition, no ground has been mentioned by the petitioner for recalling the statement of PW-3. The recall petition cannot be allowed on mere asking of the petitioner and for filling up the lacuna. Further, I do not find any infirmity in the impugned order by which the application of the petitioner for recalling the statement of PW-3 has been rejected.

5. In view of the aforesaid, this application is devoid of merits and accordingly, it is dismissed.

(Sandeep Kumar, J)

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