

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1369 of 2018

Arising Out of PS. Case No.-26 Year-2014 Thana- SC/ST District- Khagaria

Ranju Devi Wife of Sochit Singh, Resident of Village- Sanhsi, P.S.- Alauli,
District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Respondent/s : Mr. Sadanand Paswan (Spl.P.P)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 13-12-2023 Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. Being aggrieved by an order dated 21st February, 2018, passed by the learned Additional Sessions Judge, Khagaria in Sessions Case No. 129 of 2016, rejecting an application under Section 311 of the Cr.P.C. for re-examination of the witnesses, who were already examined, the instant revision is filed.

3. It is submitted by the learned Advocate for the petitioner that in the aforesaid case charge was framed against the accused/petitioner under Sections 341, 323, 504/34 of the I.P.C. and Sections 3 (i) (x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by the learned Advocate for the



petitioner that during pendency of the case, at the intervention of well wishers of both the parties, the dispute has been amicably settled for the offences under the I.P.C. is compoundable in nature. However, the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not compoundable. Therefore, the petitioner wants to re-examine the witnesses.

5. It is needless to say that part-II of Section 311 of the Cr.P.C. casts a mandatory duty upon the learned trial Judge to allow re-examination, further examination or cross-examination of a witness for just decision of the case.

6. The learned Trial Judge did not consider as to whether examination of the above named witnesses is necessary for just decision of the case. Therefore, the impugned order dated 21st February, 2018 is liable to be quashed and set aside.

7. Accordingly, the instant revision application is allowed.

8. The learned trial Judge is further directed to hear out the petition dated 7th December, 2017 afresh taking into consideration the scope and purport of Section 311 of the Cr.P.C. within a period of one month from the date of communication of the order.



9. The petitioner is at liberty to communicate the server copy of the order for early disposal of the application under Section 311 of the Cr.P.C. by the trial court.

(Bibek Chaudhuri, J)

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