

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46600 of 2016

Arising Out of PS. Case No.-24 Year-2012 Thana- AGIAON District- Bhojpur

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Laxman Singh @ Lakshuman Singh Son of Kanglu Singh Resident of
Village- Baburahi Tola, P.S.- Agiaon Bazar, District- Bhojpur at Arrah.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rampravesh Singh S/o Late Mahadeo Singh Resident of Village- Nonar
Ariadih Tola, P.S.- Piro Hasanbazar, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramakant Yadav

For the Opposite Party/s : Mr J.N. Thakur

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-04-2024 None appeared on behalf of the petitioner, whereas
the learned APP, Shri J.N. Thakur appeared for the State.

2. From perusal of the record, it appears that the
petitioner who is an accused of Section 304 B read with Section
34 was facing trial in Session Trial No. 424/2012 arising out of
Agiaon Bazar P.S. Case No. 24 of 2012. Charges were framed
against him and the trial was going on.

3. During pendency of the trial, eight witnesses were
examined by the prosecutions and those witnesses were cross-
examined by the defense (petitioner's side). After examination
and cross-examination of eight prosecution witnesses, the
application under Section 311 of the CrPC was filed by the



petitioner with a prayer to recall the witnesses on the ground that some vital points such as cruelty and demand of dowry could not be asked during cross-examination.

4. The learned Trial Court vide impugned order dated 09.09.2016 rejected that application stating therein that such type of application cannot be allowed at the belated stage.

5. The application for recall of the witnesses was filed at the argument stage without disclosing the reasons as to why those vital points were not asked to the witnesses at the juncture of their examination and cross-examination which shows itself that it is nothing but a dilatory tactics.

6. I do not see any reason to interfere with the impugned order, accordingly this criminal miscellaneous petition is dismissed.

(Nawneet Kumar Pandey, J)

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