

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29986 of 2023

Arising Out of PS. Case No.-132 Year-2018 Thana- ADAPUR District- East Champaran

Krishna Patel Son Of Pheku Raut Resident Of Village - Kachorawa, P.S. -
Adapur, Distt. - East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Jokhan Patel Son of Nathuni Patel Resident of village - Narkatiya, P.S. -
Darpa, Distt. - East Champaran

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-10-2024 Heard the parties.

2. This application has been filed for quashing the order dated 11.04.2022 passed in Sessions Trial No. 27 of 2019 arising out of Adapur P.S. Case No. 132/2018 dated 26.05.2018 registered for offences under Sections 302 and 201 read with Section 34 of the Indian Penal Code whereby the learned 20th Additional Sessions Judge, East Champaran, Motihari has dismissed the prayer of petitioner under Section 311 of the Cr.P.C. for recall of examination of three witnesses.

3. Learned counsel for the petitioner has filed an application under Section 311 of the Cr.P.C. on 15.01.2021 to recall the witnesses of P.W. 1, namely, Ajay Patel, P.W. 2,



namely, Kameshwar Patel and P.W. 3, namely, Mina Devi as the defence has not cross-examined these P.W's though these P.W's have already deposed their deposition. The defence has to ask some relevant questions from the witnesses which needs to be asked for decision of the case.

4. Learned A.P.P. for the State has submitted that this application has been filed to delay the trial and the same cannot be allowed in view of the judgment of the **Hon'ble Supreme Court passed in the case of Rajesh Talwar Vs. CBI reported in (2014) 1 SCC 628**. These P.Ws have been cross-examined at lengthy by the defence. The said application was filed in the light of the compromise petition.

5. Considering the aforesaid facts and circumstances of the case, this court do not find any merit in the contention of the learned counsel for the petitioner.

6. Accordingly, this quashing application is dismissed.

(Chandra Prakash Singh, J)

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