

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7733 of 2018

Arising Out of PS. Case No.-237 Year-2002 Thana- DANAPUR District- Patna

Arjun Singh S/o Late Bahadur Rai @ Ram Bahadur Singh, R/o Mohalla-
Minpura, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kr Sinha No.2

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-01-2024 1. A supplementary affidavit filed on behalf of the

petitioner is taken on the record.
2. Heard learned counsel for the petitioner and

learned APP for the State.
3. It has been submitted on behalf of the learned

counsel for the petitioner that the present case is pending

since 2002. It is next submitted that charges were framed,

trial commenced and after prosecution witnesses were

examined, the evidence was closed, but thereafter, an

application came to be filed on behalf of the prosecution for

examining one witness Okil Singh and the Investigating

Officer of the case under Section 311 of the Cr.P.C., the said



application was allowed by an order dated 14.11.2016. It is submitted that despite petition under Section 311 Cr.P.C. being allowed by the learned trial Court, the examination of Okil Singh and the I.O. did not take place for nearly more than a year which prompted the petitioner to file the instant quashing application on the ground that the prosecution is only trying to delay the trial.

4.The learned counsel for the petitioner further submits that a supplementary affidavit has been filed on behalf of the petitioner and placing reliance on Para-17 submits that prosecution evidence was once again closed and the case was fixed for argument. It is submitted that the prosecution evidence was closed, but Okil Singh and I.O. till then, had not appeared for their examination-in-chief. It is next submitted that after the prosecution evidence was again closed, again an application has been filed on behalf of the prosecution in the month of October, 2023 for reopening the evidence.

5.The learned counsel thus submits that the prosecution is only trying to delay the trial for the reason



that when application under Section 311 Cr.P.C. was allowed by order dated 14.11.2016, thereafter also, both the witnesses never appeared before the Court and when the evidence was again closed, thereafter again an application was filed in October, 2023 for reopening the evidence, which is nothing, but an abuse of the process of the Court.

6. The learned counsel for the petitioner, very fairly at this stage, submits that the relief, for which the petitioner had approached this Court, does not survive any more for the reason that the evidence of the prosecution was closed subsequently, but since again an application has been filed in October, 2023 for reopening the evidence that will further delay the trial, as such, submits that the quashing application be disposed of with a direction to the learned trial Court to conclude the trial expeditiously within a time frame.

7. The learned Additional P. P. does not dispute the submission made by the learned counsel for the petitioner, but then, submits that no doubt, pleadings have been made at Para-17 and 18 of the supplementary affidavit stating therein that the prosecution evidence was again closed and



thereafter, an application on behalf of the prosecution has been filed in October, 2023 for reopening the evidence, but then, the same is not substantiated by any date or documentary evidence i.e. when the prosecution evidence was closed after the order dated 14.11.2016 and on which particular date in October, 2023, the application again was filed for reopening the evidence.

8. The learned counsel for the petitioner, at this stage, submits that the pleadings have been made on affidavit and in the event, if it is found that the Court was misled, the petitioner will face the consequences.

9. In view of the submissions made by the learned counsel for the petitioner, the quashing application is disposed of with a direction to the learned trial Court to decide and conclude the trial within a period of four months from the date receipt/production of a copy of this order

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

