

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54906 of 2023

Arising Out of PS. Case No.-12 Year-2014 Thana- MOUZAHDIPUR District- Bhagalpur

1. Bhudeo Chaudhary Son Of Late Banarsi Chaudhary Resident Of Village-Tagepur, Po- Jagdishpur, Ps- Jagdishpur, Distt- Bhagalpur
2. Indrani Chaudhary Wife Of Bhudeo Chaudhary Resident Of Village-Tagepur, Po- Jagdishpur, Ps- Jagdishpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Parmanand Sharma Son Of Late Shyam Prasad Sharma Resident Of Village-Kazichak Panna Mill Road, Ps- Mojaridpur, Dist- Bhagalpur At Present Residing At Bhikhanpur, Gumti No. 12, Ps- Ishakchak, Distt- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Girish Pandey, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the OP No. 2	:	Mr. Krishna Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 04-07-2024 Heard learned senior counsel for the petitioners; learned APP for the State and Mr. Krishna Chandra, learned counsel appearing for the opposite party no. 2.

2. The present application has been filed quashing the order dated 14.07.2023 passed in MP/MLA Case No. 468 of 2015 by which the learned A.C.J.M. 1st-cum- Special Court MP/MLA, Bhagalpur has recalled his judgment and order dated 30.08.2022 and allowed the application dated 12.06.2023 filed by complainant- opposite party no. 2, under Section 311 Cr.P.C. to examine the pre-charged witnesses have been allowed.



3. Mr. Srivastava, learned Senior Counsel appearing for the petitioners has submitted that the complainant has been dragging on this complaint since 2015 and earlier also the evidence at pre-charge stage was closed. The complainant was given opportunity but he was not vigilant enough and the pre-charge evidence was closed. The complainant was again been allowed to lead the pre-charge evidence. He also submits that his client cannot suffer for the protracted litigation since 2015.

4. Learned counsel for the State and learned counsel for the opposite party no. 2 submit that the application has been allowed by the Court below in the interest of justice and one last chance has been given to the complainant to lead the pre-charge evidence and further, this Court may not interfere in the same.

5. After having considered the submissions of the parties, I am of the view that the impugned order does not need any interference.

6. Accordingly, this application is disposed of with a direction to the Court below to conclude the pre-charge evidence within one month from the date of communication/production of a copy of this order. If the pre-charge witnesses in the pre-charge evidence case are not produced by the complainant then the Court below will close the



evidence after expiry of one month granted by this Court.

7. This application is disposed of with the aforesaid observation.

(Sandeep Kumar, J)

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