

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.624 of 2024

Arising Out of PS. Case No.-103 Year-2019 Thana- MAHILA P.S. District- Patna

Nityanand Sharma @ Lallan Sharma S/o Late Ramakant Sharma R/O
VILLAGE CHANDAUKHAR PS KURTHA DISTRICT ARWAL BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Madhuri Devi W/o Late Ram Anugrah Narayan Singh R/o vill - Lakhibagh
Manpur, P.S. - Mufassil, Distt. - Gaya, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ritambhara Kumari,Adv

For the Respondent/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 09-09-2024 Heard both the learned counsels.

2. This revision petition has been preferred by the petitioner/accused being aggrieved with the order dated 06.06.2024 passed by the Additional District and Sessions Judge-1, Patna, in connection with S.T. No 72/20 whereby and where under the learned Sessions Judge rejected the application submitted by the applicant/accused under section 311 of Cr.P.C.

3. Perusal of the impugned order as well as documents annexed with the petition shows that P.W.- 1 has been examined and cross-examined before the trial Court on 13th March, 2024. After her examination, the application for under section 311 of Cr.P.C. has been filed by the applicant for recalling the P.W.-1 for further cross-examination on certain points.



4. The learned Sessions Judge on due consideration rejected the said application. The order passed by the Session Judge is reasoned order which does not warrant any interference.

5. The perusal of the application under section 311 Cr.P.C. which was filed before the Session Court it also appears that the petitioner wants to questioned the prosecutrix P.W.-1 on certain Whatapps Chats related to both of them for the year 2019. At the time of argument it is admitted by the learned counsel of petitioner that the applicant accused does not obtain any certificate under section 65(B) of Evidence Act for proving those Whatapps Chats.

6. Since the impugned order is reasoned order, I do not find any infirmity or illegality on the said order. Accordingly, this petition is dismissed having no merit.

7. However, as prayed by the learned counsel for the petitioner, liberty is granted to the petitioner to file a fresh application under section 311 of Cr.P.C. if the petitioner is so advised.

(Arvind Singh Chandel , J)

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