

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18526 of 2018

Arising Out of PS. Case No.-139 Year-1993 Thana- DARBHANGA District- Darbhanga

Suresh Kumar Sharma S/o Mahabir Prasad Sharma, R/o Mohalla- Lalbagh,
P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajendra Prasad Agrawal S/o Bishwambhar Dayal Agrawal,
3. Leeladhar Agrawal S/o Bishwambhar Dayal Agrawal,
4. Gangadhar Agrawal S/o Bishwambhar Dayal Agrawal, All R/o Nehru Road
Khalpara, P.S.- Silliguri, District- Darjiling West Bengal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Suraj Narain Yadav, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the O.P. No. 02 to 4	:	Mr. Prafull Chandra Thakur, Advocate Mr. Madhumala Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 22-04-2025 Heard the learned senior counsel for the petitioner,

learned APP for the State and the learned counsel for the O.P.

NO. 02.

2. This is an application for quashing of the order dated 16.12.2017 passed in Cr. Rev. No. 153/2017 by the District and Sessions Judge, Darbhanga by which the Court below dismissed the said criminal revision and refused to interfere with the order dated 03.05.2017 passed by the Additional Chief Judicial Magistrate-IX, Darbhanga in Tr. No. 300/2017 arising out of Town P.S. Case No. 139/1993 by which



he had rejected the petition dated 06.03.2017 of the petitioner filed under Section 311 of the Cr.P.C.

3. In the trial, one witness was examined and thereafter, the evidence of the prosecution has been closed. The petitioner is the informant of the case.

4. It has been submitted by the learned Senior Counsel for the petitioner on the strength of the entire order sheet that no proper notice or summons were issued to the witnesses therefore, the witnesses could not appear. He further submits that if the application under Section 311 of Cr.P.C. is allowed then he undertakes to produce all the prosecution witnesses within one month.

5. The learned counsel for the opposite parties has opposed the prayer of the petitioner and has submitted that the petitioner and other witnesses had knowledge of the case and they have neglected to appear in this case.

6. In the interest of justice, I am of the view that application under Section 311 of Cr.P.C. should have been allowed by the Trial Court and one chance should have been given to the prosecution to produce the witnesses.

7. In these circumstances, the application is allowed. The prosecution is permitted to examine the witnesses within



one month from the date of communication of this order failing which no further chance shall be given to the prosecution to examine the witnesses.

8. Accordingly, the order dated 16.12.2017 passed in Cr. Rev. No. 153/2017 by the District and Sessions Judge, Darbhanga is hereby quashed.

(Sandeep Kumar, J)

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