

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.448 of 2023

Arising Out of PS. Case No.-41 Year-2014 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Birendra Kumar Sharma @ Prem Kumar Sharma Son Of Suryapratap
Narayan Singh Resident Of Village - Jihulee, P.S. - Patahi, District - East
Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramchandra Sharma Son Of Kritnarayan Singh Resident Of Village -
Jihulee, P.S. - Patahi, District - East Champaran
3. Mukesh Kumar @ Mantu Son Of Ram Chandra Sharma Resident Of Village
- Jihulee, P.S. - Patahi, District - East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Adv.
For the Respondent/s : Mr.Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-09-2025 The petitioner is aggrieved by the order dated

22.05.2023 passed by the learned Magistrate, 1st Class, East
Champaran at Motihari in Trial No. 1295/2023 in Complaint
Case No. 41(C)/2014 whereby and whereunder the opposite
party nos. 2 and 3 were discharged by the learned trial court.

2. Learned counsel for the petitioner submits that due
to illness, the petitioner could not produce his witnesses before
charge before the learned trial court and if some date is fixed for
adducing the evidence, the petitioner would positively adduce
his evidence on that date.

3. Perused the record.

4. From perusal of record it appears that the matter
before the learned trial court was fixed for before charge



evidence in 2014. The learned trial court has also noted that petitioner has been given sufficient opportunity to produce evidence and the evidence of the complainant was closed on 03.05.2023. Since the complainant failed to produce any evidence and as there was no material available on record to frame charges against the accused persons, the accused persons/opposite parties were discharged in accordance with Section 245 of the Cr.P.C. It is also apparent from the impugned order that the complainant was even present before the learned trial court when this order was passed. Since the petitioner did not produce his witnesses for almost 9 years and merely claiming that he was under treatment, that too, for 9 years would not make out a case to allow the petitioner to take fresh steps for adducing his evidence after lapse of so many years.

5. Therefore, finding no infirmity, illegality and impropriety in the impugned order dated 22.05.2023, the same is affirmed.

6. Accordingly, finding no merit in the present petition the present criminal revision petition is dismissed.

(Arun Kumar Jha, J)

Anuradha/-

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