

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48233 of 2025

Arising Out of PS. Case No.-93 Year-2013 Thana- BARH District- Patna

Surendra Prasad Son of Late Ramchandra Saw Village- salempur Gola road,
Po and Ps- Badh, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhil Poddha son of Vinod Kumar Poddar village- P. 200 Jagarnnath Ghat,
Cross Road, Kolkata, West Bengal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nivedita Nirvikar, Sr. Adv. Mrs. Shashipriya, Adv. Mr. Shashank Shekhar, Adv. Mrs. Asmita Bharti, Adv.
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 18-07-2025

1. Heard learned counsel appearing on behalf of
the parties.

2. Present petition preferred by the petitioner
under Section 482 of Code of Criminal Procedure (in
short Cr.P.C.) for quashing of order dated 17.05.2025,
passed by learned A.C.J.M.-I, Barh, Patna, in Barh P.S.
Case no. 93 of 2013, wherein, the petition as preferred
by petitioner under Section 311 of Cr.P.C. was rejected
and the record was fixed for recording the statement of



accused as per provisions available under Section 313 of Cr.P.C.

3. Admittedly, this is second petition for further cross-examination of PW-2 as same could not concluded on 17.05.2025.

4. It is submitted by Mrs. Nivedita Nirvikar, learned senior counsel appearing for the petitioner that now the required *challans* are available with accused/petitioner, which was not available on 17.05.2025, therefore, for effective cross-examination one more opportunity be given as same is required essentially for just decision of this case.

5. In this context, it is undertake that the further cross-examination would not last more than two hours.

6. Mr. Rajeev Sah, learned counsel appearing for O.P. No. 2, submitted that one of the learned co-ordinate Bench of this Court vide order dated 20.09.2023 as passed in Cr. Misc. No. 9463 of 2017 directed learned



trial court to conclude the trial expeditiously within a year i.e. by 20.09.2024, whereafter learned trial court took extension of time which is likely to expire on 30.08.2025.

7. Taking note of aforesaid submissions, it is submitted by Mrs. Nirvikar that the statement of accused persons under Section 313 of Cr.P.C. may be recorded on the same very day on which P.W. 2 would be examined and petitioner further undertake that within next 15 days, accused/ petitioner be also examined their witness in defense, if any.

8. It would be apposite to reproduce order dated 20.09.2023 as passed in Cr. Misc. No. 9463 of 2017, which is as under:-

“1. Heard the petitioner in person and the learned A.P.P. for State.

2. The petitioner, after some arguments, seeks permission to withdraw the present quashing application as it has been submitted that the charges have been framed and the trial has commenced and out of nine witnesses, two witnesses have been examined, it is further submitted that the case is of the year 2013 and the discharge application of the petitioner was rejected on 04.02.2017, thereafter,



charges were framed but still the trial has not concluded.

3. Permission is accorded.

4. The Court expects that the learned Trial Court shall conclude the trial expeditiously/preferably within a period of one year from the date of receipt/production of the copy of this order as prolonged trial causes mental agony.”

9. Taking note of aforesaid submission, of Mrs. Nirvikar, and nature of accusation and as examination could not concluded even after court hour the learned trial court is directed to provide one more opportunity to petitioner/ accused as to examine P.W. 2 within 15 days of this order or date fixed. It is made clear that further cross-examination shall not last more than “two hours”, in view of undertaking. It is also made clear that statement of petitioner shall be recorded on same very day on which P.W.-2 will be examined/ discharge.

10. Petitioner is also directed to examine witness in their defense, if any, within 15 days thereafter and also to conclude the argument, so as matter be disposed finally within permitted time limit as discussed



aforesaid in view of direction passed in Cr. WJC No. 154 of 2014.

11. Accordingly, the petition stands allowed by quashing impugned order dated 17.05.2025, with aforesaid observations/ direction.

12. Let a copy of this judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2025
Transmission Date	19.07.2025

