

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67516 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- MUNGER MUFFASIL District- Munger

SUNDAR KUMAR @ SANJIT KUMAR Son of Mithilesh Kumar Singh
Resident of village - Bindwara, P.S.- Kotwali Kasim Bazar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-03-2025 Heard the parties.

2. The present application has been filed for quashing the order dated 1.11.2021 passed by learned Exclusive Special Judge, POCSO Act-cum-Additional Sessions Judge-VI, Munger in Muffasil P.S. Case No. 117 of 2020 by which the application of the petitioner to recall the prosecution witness no. 11 under Section 311 of the Cr.P.C. has been rejected.

3. In the present case, the victim was examined and cross-examined. The defense has thereafter filed an application for re-examination of the victim on the ground that some of the questions which were to be asked have not been asked.

4. In view of the above, it appears that the defence is trying to delay the trial of the case and the defence cannot be allowed to fill-up the lacuna.



5. Moreover, the defence has got enough opportunity to examine and cross-examine the victim.
6. Considering the aforesaid facts, this Court finds no infirmity and illegality in the impugned order.
7. Accordingly, this application is dismissed.
8. If the trial is still pending, then the concerned Court below is directed to conclude the same at the earliest.

(Sandeep Kumar, J)

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