

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.753 of 2024

Arising Out of PS. Case No.-253 Year-2011 Thana- SHASTRINAGAR District- Patna

Prabhash Kumar Son of Late Someshwar Lal R/O Flat no. 613/B, Lotus Apartment, New Patliputra colony, P.S.- Patliputra, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anupama Kumari D/O Late Binod Kumar Karn R/O H/O No. 12, Road no. 10, East Patel Nagar, P.S.- Shastrinagar, Dist.- Patna. At Present R/O Flat No. 102, Kailash Enclave, Professor Colony, P.S.- Shastirnagar, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 09-07-2025 In spite of service of notice, the opposite party No.2 has not appeared before this Court to contest the criminal revision.

2. The petitioner has approached this Court under Sections 397 read with 411 of the Cr.P.C. challenging an order dated 20.04.2018, so far as it relates to payment of cost of Rs.10,000/-, which were passed on 12.12.2017 and 13.12.2017.

3. It appears from the record that the petitioner prayed for a direction upon the investigating agency to produce Shastrinagar Station Diary No.658 of 2011 dated 20.07.2011 but the Investigating Officer failed to produce the said diary alongwith the report of investigation, if any, on the said diary.



4. It is contended by the petitioner that on the basis of the said diary entry, the Investigating Officer made a preliminary enquiry and collected Call Data Record (CDR) between the petitioner and the opposite party/wife and handed over the same to the informant/wife, on the basis of which, she filed FIR.

5. Therefore, the said diary entry being in the nature of earliest information about the dispute is absolutely necessary for the purpose of adjudication of the case. The Trial Court without taking appropriate step for production of the said diary entry, insisted the petitioner to cross examined the witnesses on behalf of the prosecution. When the petitioner took the plea that without the copy of the said diary entry and the investigation report thereon, it would not be possible for him to cross examined the witnesses on behalf of the prosecution, he was settled with cost.

6. This Court is of the view that imposition of cost upon the petitioner was made by the learned Trial Court in excess of his jurisdiction vested under the law. Therefore, the orders regarding payment of cost by the petitioner are quashed and set aside.

7. The Trial Court is directed to take positive step for



production of Station Diary Entry No.658 of 2011 dated 20.07.2011 at the earliest and in any case within two months from the date of communication of this order.

8. The instant criminal revision is accordingly, disposed of.

(Bibek Chaudhuri, J)

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