

Arising Out of PS. Case No.-42 Year-2020 Thana- NALANDA District- Nalanda

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... .. Appellant/s

Versus

... .. Respondent/s

For the Appellant/s : Mr. Amit Ranjan, Advocate

For the Respondent/s : Mr. Binay Krishna, APP

ORAL ORDER

Heard Mr. Amit Ranjan, learned counsel for the

appellant and Mr. Binay Krishna, learned APP for the State.

2. The appeal has been preferred:-

“for quashing of the order dated 25.06.24 passed in Nalanda P.S Case no. 42/2020 (Sourav Kumar V/s The State of Bihar) registered u/s 364,302,201,120B/34 of I.P.C and Section 3(2) (v) of SC/ST Act. by the court of Learned Additional Session Judge VI-cum-Special Judge SC/ST Act, Bihar Sharif, Nalanda whereby and where under the learned court below has allowed the petition dated 24.05.24 filed by the accused Sourav Kumar u/s 311 of Cr.P.C for



recall of the P.W 01 to 05 for their cross examination in order to delay the trial.”

3. The appellant is the informant and as per the F.I.R., the informant's son was going on a motorcycle but failed to return and later his phone was switched off. Apprehending untoward incident, the case was lodged.

4. During the investigation, he was found to be dead and the allegation was attributed to Saurav Kumar and Priti Kumari who were arrested for kidnapping and murder.

5. The charge-sheet was submitted on 30.04.2022 by the Police which followed cognizance order dated 24.11.2020 and framing of the charges on 07.12.2020/04.02.2021.

6. The trial thereafter commenced and prosecution witnesses were examined, though at that time neither the lawyer who was appearing for the accused chose to cross examine PW-1-5 nor sought help of the Legal Services Committee. Later, after PW-6 was examined, a fresh Vakalatnama was filed by another lawyer who filed a petition for recall of the witnesses for their cross examination.

7. The court concerned after recording the entire facts came to the conclusion that it was a deliberate act of the accused Saurav Kumar to delay the trial but since the new lawyer had



appeared and a petition was filed, in the interest of justice, vide an order dated 25.06.2024, the same was allowed with a cost of Rs.2,500/- imposed.

8. Aggrieved, the present appeal.

9. Learned counsel for the appellant submits that it was a delaying tactics by the accused in which the Trial court passed the order which needs interference.

10. Learned Special PP on the other hand submits that by filing the present appeal, it is the appellant who wants delay of the conclusion of the trial. His submission is that the Trial court has given reason for allowing the petition of the accused in the interest of justice after imposing cost and had the informant cooperated, the trial would have come to an end by now. Instead, the present appeal.

11. Having heard the parties and perusing the record, this Court is in complete conformity with the learned Special PP. A reasoned order has been passed by the learned Trial Court on 25.06.2024 detailing out why the petition for recall of the witnesses has been allowed. The Trial Court has acknowledged that the accused wanted to delay the trial but in the interest of justice, the same was allowed after imposing cost. The same needs no interference.



12. Since the matter is of the year 2020, a killing has taken place, the trial is in full pace, this Court would expect that the Trial Court takes the same to its logical conclusion without any further delay and taking appropriate measure if the accused again tries to delay the trial.

13. The appeal stands dismissed.

(Rajiv Roy, J)

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