

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39723 of 2023

Arising Out of PS. Case No.-774 Year-2012 Thana- COMPLAINT CASE District- Lakhisarai

Ajay Singh Son of Late Kameshwar Singh Resident of Village - Singarpur,
P.S.- Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Tarni Devi @ Saloni Devi Wife of Late Darwari Singh Resident of Village - Singarpur, P.S.- Suryagarha, District - Lakhisarai.
3. Arjun Singh Son of Late Bocha Singh Resident of Village - Singarpur, P.S.- Suryagarha, District - Lakhisarai.
4. Triloki Singh Son of Late Bocha Singh Resident of Village - Singarpur, P.S.- Suryagarha, District - Lakhisarai.
5. Sheo Shankar Singh Son of Late Bocha Singh Resident of Village - Singarpur, P.S.- Suryagarha, District - Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Vinay Pd. Singh, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP
For the O.P. No.2 to 5	:	Mr. Parmanand Pd. Nr. Sahi, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 06-02-2026

Re: I.A. No.01 of 2025

At the outset, it is pointed out that the I.A. No.01 of 2025 has been filed in order to substitute the sole petitioner with his legal heirs as the sole petitioner, Kameshwar Singh, died on 01.01.2025.

2. For the reasons stated in this application, this application is allowed.

3. Let the sole petitioner, Kameshwar Singh, be substituted with his legal heir, namely Ajay Singh.



Re: Cr. Misc. No.39723 of 2023

4. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite parties no.2 to 5.

5. The present application has been filed challenging the order dated 20.02.2023, whereby and whereunder the petition filed on behalf of the petitioner under Section 311 of Cr.P.C. dated 04.07.2018 for the purposes of filing some documents has been rejected.

6. Learned counsel for the petitioner submits that earlier a Land Possession Certificate and other documents had been filed on behalf of the accused which was marked as Exhibit-2. He has made a prayer before the concerned Court to allow the petitioner (complainant) to rebut the documentary evidence filed on behalf of the accused persons by way of filing other documents to be marked as exhibits. It has further been submitted that such documents would be necessary for proper adjudication of the case and marking of the same would be in the interest of justice as the prosecution would lead evidence in support of the same.

7. Learned counsel appearing on behalf of the opposite parties no.2 to 5, however, strongly opposed the



statements made on behalf of the petitioner on the ground that the present application has been filed to linger the speedy disposal of the case as the case has already been fixed for arguments. It has also been pointed out that the said application under Section 311 of Cr.P.C. is of the year 2018 and already sufficient time has lapsed, as such, there would be no point in allowing the application of the prosecution under Section 311 of the Cr.P.C.

8. After hearing the rival contentions of both sides, this Court finds that the petition under Section 311 of Cr.P.C. has been filed in this case on 04.07.2018 and the case had reached the stage of arguments in the year 2023 itself and till date, the trial has been stalled, as the petitioner had filed the present application in which proceedings had been directed to remain stayed. It would be apparent from the impugned order dated 20.02.2023, that when the documents were being filed on behalf of the accused persons, no objection to the same was raised on behalf of the petitioner (complainant) and rather the document produced by the defence, which was marked as Exhibit-2, was public document which was marked without any objection. It is only as an afterthought and for the purposes of rebutting the said document that the petitioner has prayed for filing some



documents at his end and as such, has moved an application under Section 311 of Cr.P.C.. The scope of Section 311 of Cr.P.C. is well settled that the same is not to be permitted for filling up lacunae in the case. Moreover, if Section 311 of Cr.P.C. application are allowed for the purposes of rebutting documentary evidence, it would become a never ending process as the defence may also feel the necessity of rebutting the documents produced by the prosecution, as such, the case would never reach its logical conclusion.

9. In such view of the matter, considering the law settled with regard to the provisions under Section 311 of Cr.P.C. and also considering the fact that the impugned order dated 20.02.2023 is a perfectly reasoned order without any illegality featuring in the same, this Court finds no sufficient reason to interfere with the said order, accordingly, the present application stands dismissed.

(Soni Shrivastava, J)

anand/-

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