

In the court of District & Addl. Sessions Judge-II, Begusarai
Presiding Judge: Brajesh Kumar Singh

Session Trial No-200/2026

Order
16.06.2026

Appearances:- Mukesh Soni-Accused produced from J.C

Poonam Devi-Accused in person

Sri Lalan Kumar, Ld. Senior Counsel, assisted by Sri Vinod Kumar, Ld.

Adv. for the accused persons

Sri R.P. Yadav, Ld. Addl. P.P for the state

1. Today, PW-5-Dheeraj Kumar Soni was examined, cross-examined, and discharged.

IA No-02/2026 (Application for summoning additional witness)

2. Today, the application dated 15.06.2026 u/s-348 of BNSS filed on behalf of the prosecution is taken up for the hearing. The application is for examining the additional witness, namely, Shailesh Soni, who is the real victim, whose eyes were damaged due to acid attack, for which the trial is going on. The above-said application is supported by several medical prescriptions given to the victim during the course of the treatments. The copy of the above-said application along with the documents were supplied to the Ld. counsel for the accused persons. In response to the above application, the rejoinder dated 16.06.2026 on behalf of the accused persons is filed. Vide rejoinder, the accused persons have objected to the application dated 15.06.2026 filed on behalf of the prosecution.
3. Heard the Ld. counsel for the parties. Ld. counsel for the accused persons has submitted that the application is filed to delay the trial. As per Ld. counsel, the police has thought it fit not to include the name of this witness, therefore, he should not be allowed to be examined to disturb the direction of the trial. On the contrary, Ld. Addl. P.P has submitted that the additional witness, Shailesh Soni is the main victim, therefore, his examination is necessary for eliciting the truth in this trial.

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4. Having heard the Ld. counsel for the parties, and having perused the records, it is clear that the additional witness, namely, Shailesh Soni is the allegedly one whose eyes were damaged due to the acid attacks he faced from allegedly the accused-Mukesh Soni. In my opinion, Shailesh Soni is the main victim of the case, for whose grievance the trial is going on. His examination would unearth many hidden aspects of this case. Admittedly, his name was not included in the charge-sheet by the investigating authorities, yet the non-inclusion of his name ipso facto does not disentitled him from becoming a witness in this S.T. In my opinion, he is not just a witness, but a material witness. It is further clear that this Shailesh Soni was treated in different hospitals, starting from the PHC to Nepal, for that the original medical papers are filed along with the application. Even though, the name of this witness was not included by the investigating authority, his evidence in this session trial appears to be essential to the just decision of this case. I find merit in the application dated 15.06.2026. The plea of delay taken on behalf of the accused persons are imaginary, hence not sustainable, because trial is not delayed, on the contrary, the trial is being conducted in the most expeditious manner. In this regard, the direction is given to the prosecution not to delay the trial, and let all the witnesses, including the official witnesses be examined within fifteen (15) days. Let the documents submitted by the prosecution along with the above-said application be exhibited as per procedure prescribed in BNSS. In view of above, the application dated 15.06.2026 u/s-348 of BNSS filed on behalf of the prosecution is hereby **ALLOWED**.

Dropping of the charge-sheeted witness as P.W.

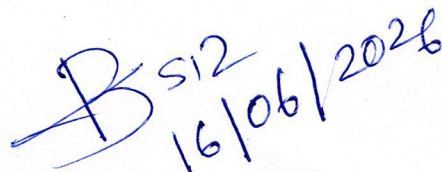
5. Today, an oral submission on behalf of the prosecution by Sri R.P Yadav, Ld. Addl. P.P is made to drop the charge-sheered witness- Hiralal Soni (serial no-4 of the charge-sheet) on the ground that he has recently gone to Delhi in a private job, and his employer is not giving him the leaves to come to Bihar for recording his statements. As per Ld. Addl. P.P, the

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above-said witness may loose the job if he would be forced to come to Bihar for recording his depositions. Ld. Addl. P.P further submits that the prosecution case would be proved even without examining this witness, hence, the charge-sheeted witness- Hiralal Soni may be dropped from the list of prosecution witness. Ld. senior counsel for the accused-Sri Lalan Kumar has opposed the above submissions of the Addl. P.P. It is trite that it is the sole prerogative of the prosecution to choose its witnesses, hence, this court would not interfere, and also looking into the inability of the above-said charge-sheeted witnesses in coming to Bihar without risk of loosing his private job, he is permitted to be dropped from the list of the prosecution witnesses at the risk of the prosecution. Prosecution would not be again allowed to produce him as P.W. In the above circumstances, the charge-sheeted witness-Hiralal Soni is **hereby dropped from the list of prosecution witness**.

6. Ld. Addl. P.P is directed to notify the official witnesses (the investigating officer and the doctor) in advance for their examination on next dates, to be fixed by the court.
7. Put up this case on 18.06.2026 for examining Shailesh Soni as PW-6. Ld. counsel for the accused is requested to remain ready for the cross-examining this witness.


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(Brajesh Kumar Singh)
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