

District & Additional Sessions Judge 2nd, Jamui

S.Tr. 314/2022

CIS No. 314/2022

04.07.2025

Present- Sudhir Sinha

Kailash Yadav & Ors. V. State

ORDER

The record is today put up for order on petition dated 03.05.2025 filed on behalf of prosecution, the rejoinder filed on 02.06.2025.

The Id. Addl. PP vide petition dated 03.05.2025 has submitted that in this S.Tr. all the non official witnesses as per the chargesheet have been examined before the Court. Lalita Devi the wife of informant is an injured in this case but her name has not been mentioned in the list of witnesses in the chargesheet. However the examination of injured Lalita Devi is essential in the interest of justice. The Id. Prosecutor has also filed on record the attendance of injured Lalita Devi. In such view the Id. Add. PP prayed to allow the examination of injured Lalita Devi in this case.

Th Id. Counsel for the accused persons vide rejoinder dated 02.06.2025 has submitted that the prosecution petition dated 03.05.2025 is not maintainable and is fit to be rejected. It is further submitted that had Lalita Devi been injured the I.O would have recorded her statement in the Hospital but it is not the case hear and therefore her examination is not essential. It is furthermore submitted that the informant filed the petition on 10.09.2020 while the police sent the injured to Referral Hospital Jhajha for treatment on 09.09.2020 itself. The I.O was given charge of investigation on 10.09.2020. The informant in collusion with the I.O made Lalita Devi an injured and the I.O obtained the injury report. In such view the Id. Counsel prayed to reject the petition dated 03.05.2025.

Heard

On perusal of the record it is clear from the CD Para -2 that the requisition slip for treatment of injured Lalita Devi was issued by PSI Kameshwar Prasad of Jhajha PS on 09.09.2020 and has mentioned the injuries -(1) Cut at head with blood (2) Swelling and complain of pain in left arm (3) Swelling and complain of pain in right hand (4) Complain of hurt and pain in whole body. The I.O obtained

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the injury report and entered it in the case diary para- 45 and supplementary injury report in para- 38. It is thus clear that Lalita Devi sustained injury in course of the assault by the accused persons as per the FIR and therefore her examination before the Court is essential to arrive at a just decision of the case. It is also mentioned in the FIR that the informant after treatment of his wife is filing the FIR today i.e on 10.09.2020 at the PS. The very purpose of every criminal trial is to conclusively determine the truth behind the incident and in achieving so it is essential that the parties be allowed to lead their evidences. The defence shall have every opportunity to cross-examine the witness.

Accordingly the petition dated 03.05.2025 filed of behalf of prosecution is allowed. The prosecution is directed to produce the injured witness Lalita Devi and get her examined.

Next date is fixed on 17.07.2025 for evidence on part of prosecution.

D.A.S.J. II
Jamui
04.07.2025