

In the Court of the Sessions Judge, Madhepura,

S.T. No. 291/2013
C.I.S. No. 53/2014

04.05.2017 Attendance has been filed on behalf of the accused Kishori Ram and a representation petition u/s. 317 Cr.P.C. has been filed on behalf of the accused persons namely Mukesh Ram and Chandula Devi which is accepted only for today.

Heard Mr. Kritnarayan Yadav, Learned Advocate appearing on behalf of the accused persons on a petition filed on behalf of the accused persons on 13.04.2017 praying therein to stop further cross-examination of P.W. 5 namely Lochan Ram as well as heard Mr. Indrakant Chaudhary, Learned P.P. appearing for the State.

Mr. Kritnarayan Yadav, Learned Advocate appearing on behalf of the accused persons submits that since the name of the P.W. 5- Lochan Ram does not figure in the witness column of the charge sheet and accordingly P.W. 5- Lochan Ram cannot be examined on behalf of the prosecution for which he has got objection.

Mr. Indrakant Chaudhary, Learned P.P. appearing for the State submits that P.W. 5- Lochan Ram is the eye-witness to the occurrence hence his examination is necessary for the ends of justice and accordingly the petition filed by the accused persons is fit to be rejected.

It appears from perusal of the case record that the name of the P.W. 5- Lochan Ram is mentioned in F.I.R. with the allegation that he accompanied his own sister deceased Sumitra Devi up to her in-law's house on the direction of his informant-father and on arrival on the same night the accused persons committed her murder by cutting into pieces and burnt her by fire and P.W. 5- Lochan Ram came back to his home in the next morning and informed to his father-informant who lodged this case. It further appears from perusal of the evidence of the P.W. 5- Lochan Ram that he is the eye-witness to the alleged occurrence and has categorically stated the commission of murder of his deceased sister Sumitra Devi by the accused persons and burning her parts of the body by lighting fire in his presence.

Considering the facts and circumstances, the petition filed by the accused persons on 13.04.2017 is hereby rejected with a direction to proceed with the further cross-examination of the P.W. 5- Lochan Ram and the Learned P.P. is directed to produce the P.W. 5- Lochan Ram for further cross-examination on 23.05.2017.

Put up on 23.05.2017 for further cross-examination.

Dictated

***Sessions Judge,
Madhepura.***