

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 13/2026
(Ashish Kumar vs. State of Bihar & another)
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Criminal Revision No. - 13/2026
(Arising out of Complaint Case (East) No.-2531/2014)

1. Ashish KumarRevisionist/Petitioner.
Vs

1. State of Bihar
2. Syed ImamOpposite Parties.

Ld. counsel for the revisionist : Sri Ratnesh Bhushan Sahay, Advocate.

Ld. counsel for the O.P No.-01 (State of Bihar) : Dr. B. Pathak, Addl. P.P.

Ld. counsel for the O.P. No. - 02 : Sri Rakesh Kumar Sinha, Advocate.

Present:-Raja Ram Santosh Kumar,
1st Additional Sessions Judge,
Muzaffarpur

ORDER

Dated:-03.06.2026

1. Heard both the sides. The present criminal revision petition has been filed by the revisionist, namely, Ashish Kumar, against the order dt. 26.08.2025, passed by the Id. Court of Sri Manjur Alam, J.M. 1st Class, Muzaffarpur(East), in connection with Complaint Case no. 2531/2014, whereby, the Id. Court of Sri Manjur Alam, J.M. 1st Class, Muzaffarpur(East), had rejected the petition, dated 05.05.2025, filed for opportunity to him for producing his witnesses, after charge, u/s 311 of Cr.P.C.

2. The factual matrix, leading to filing of the present revision petition is that complainant Ashish Kumar (present revisionist) had filed a petition, on dated, 05.05.2025, u/s 311 of Cr.P.C, before the Id. Court of Sri Majur Alam, J.M. 1st Class, Muzaffarpur (East), for opportunity to him for producing his witnesses, after charge, in the Complaint Case No.-2531/2014. Thereafter, a rejoinder petition had also been filed from the accused side. Then,

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after perusal of all the materials available on record and also after hearing both the sides, the Id. Court of Sri Majur Alam, J.M. 1st Class, Muzaffarpur (East) had passed an order, dated, 26.08.2025 (impugned order), whereby and whereunder, the Id. Court of Sri Majur Alam, J.M. 1st Class, Muzaffarpur (East), had rejected the petition for recall of witnesses, on the ground that despite of ample opportunities, the complainant had failed to record his evidence and the case is now at its final stage and had directed both the sides to advance their final arguments, in connection with Complaint Case No. 2531/2014.

3. Being aggrieved and the dissatisfied with the impugned order, dated, 26.08.2025, passed by the Id. Court of Sri Majur Alam, J.M. 1st Class, Muzaffarpur (East), in the Complaint Case No. 2531/2014, the revisionist has filed the instant revision application, mainly on the following grounds:-

I. That the revisionist has to himself depose after charge and has also to produce two other witnesses namely Ram Kishun Pandit and Rajesh Kumar Raushan for cross examination from defence before Id. trial Court, in the said complaint case.

II. That inspite of physical appearance of complainant and due to mistake of and inadvertence of junior counsel, petitioner could not be cross examined after charge in said case.

III. That the petitioner was partly cross examined on 10.12.2024 but neither his cross examination was finished nor he was discharged as a witness.

IV. The due to Covid-19 from years 2020 to 2022 and transfer of record of said complaint case from on Court to another, the petitioner was unable to finish his cross examination and adduce other said two witnesses, named above, in the trial Court, for cross examination and his evidence was closed.

V. That there is no deliberate latches on the part of this petitioner in producing the witnesses for after charge cross-examination.

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VI. The complete cross examination and post charge evidence of said two witness aforesaid are essential for just decision of the complaint case no. 2531/2014.

VII. That in the interest of justice and for complete adjudication of the matter, opportunity should be given to this petitioner for adducing post charge evidence before the Id. Trial Court.

4. On the basis of above mentioned grounds, the revisionists have submitted that the impugned order, dated, 26.08.2025, is improper, illegal and liable to be set aside and prayer has been made accordingly to set aside the impugned order.

5. L.C.R. was called for from the Id. Court of Sri Majur Alam, J.M. 1st Class, Muzaffarpur (East), which was received in this Court in due course.

6. Perused the record, including the L.C.R. and also heard the rival contentions. It appears that the complainant (present revisionist) has filed the instant revision application for setting aside the order, dated, 26.08.2025, passed by the Id. Court of Sri Majur Alam, J.M. 1st Class, Muzaffarpur (East), where by the Id. Court below had rejected, the petition, u/s. 311 of Cr.P.C., for recalling the witnesses, in the Complaint Case No. 2531/2014, on the grounds, as discussed above. From the perusal of the T.C.R, it transpires that four witnesses were examined from the complainant side, before charge and before charge evidence of the complainant was closed on dated, 16.08.2019. Thereafter, charges were framed against the accused person on dated, 06.09.2019, for offences u/ss. 420, 323 and 379 of the I.P.C. and 138 N.I. Act and case record was posted for after charge evidence. During the course of after charge evidence, only the complainant was partly cross examined from the defence side on dated 13.11.2019 and further cross-examination was deferred for the next date. Thereafter, the complainant did not produce himself before the Court for his further after charge cross-examination. Other witnesses were also not produced by the complainant before the Court, for their after charge

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cross-examination, although several opportunities were given to the complainant for this purpose. However, when the case record was posted for judgment, the complainant filed the petition, dated, 05.05.2025, for recalling the witnesses in order to produce after charge evidence, before the Id. Court below, u/s 311 of the Cr.P.C. and said petition was rejected by the Id. Court below vide impugned order dated, 26.08.2025. It appears that ample opportunities were given to the Complainant for producing his witnesses, for after charge cross-examination, but the complainant failed to avail these opportunities and at a very belated stage of the case, he filed a petition for recall of the witnesses. Certainly there is sheer negligence on the part of the complainant in not producing the witnesses for after charge cross-examination, but for ends of justice, it is imperative that best evidence should be allowed to come on the record, for just and merit based decision of the case. Hence, in view of this revisional Court, the complainant should be given opportunity to produce himself for rest of his cross-examination and also to produce two of his other witnesses, as named above and the Id. Court below has wrongly denied this opportunity to the complainant.

In view of the discussion made above, this court is of view that the impugned order dated, 26.08.2025, passed by the Id. Court below, in the Complaint Case No. 2531/2014, suffers from infirmity.

Therefore, I find that there is error on the part of the learned trial court, in exercise of its jurisdiction, in passing of the impugned order and hence, it warrants interference by this court. Thus, in view of the above, this revision petition is **allowed** and the impugned order, dated 26.08.2025, passed by the Id. Trial court, in the Complaint Case No. 2531/2014, is hereby set aside. It is further directed that the complainant shall produce himself before the Id. Trial Court for his further after charge cross-examination and shall also produce his other two witnesses, before the Id. trial Court, for their after charge cross-examination, within the next four dates, after receipt of this order and T.C.R., in

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the Court below and thereafter, after charge evidence shall be closed. The instant revision petition is **disposed of**, in above terms. Let a copy of this order be sent to the court below, alongwith the T.C.R.

(Dictated)

Sd/-
(Raja Ram Santosh Kumar)
1st Addl. Sess. Judge,
Muzaffarpur.