

In the court of Add. District & Sessions Judge-XIth, Nawada

S. T. - 210/2012

C.I.S.- 210/2012

State of Bihar

Vrs.

Deepak Kumar.....Accused

(Arising out of Nawada Nagar P.S. Case no. 428/10)

25.01.2022

The record is put for order on petition date 22.03.2021 filed on behalf of accused petitioners praying therein to recall the witnesses named in the petition for further cross-examination.

Learned counsel for the petitioners argued that due to intervention of well-wishers good sense has prevailed between the parties and they have filed a joint compromise petition. During cross-examination this point was not taken up in their evidence. Thus, the witnesses named in the petition may be recalled for further cross-examination.

Learned APP argued that the case is fixed for defence evidence when this petition is being given only to linger the matter.

Heard Ld. APP and Ld. Counsel for petitioners and materials available on record, It appears that the prayed for recall of witnesses already examined has been made only on the basis of compromise between the parties. Charges in this case are u/s 148, 307, 326 of I.P.C. which are not compoundable. In the facts and circumstances the petition is allowed with condition that in further cross-examination questions relating to compromise can only be asked and if the witnesses concerned is not produced for further cross-examination, his deposition at present would be read into evidence.

Put up on dated 09.02.2022 for evidence.

(Dictated)

Addl. Sessions Judge-XI
Nawada