

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 194 of 2026

Sunil Kumar Singh, S/o Sri Lal Bihari Singh
R/o: Bardahi, P.O. Bardaha, P.O- Babubarhi
District- Madhubani.

..... Revisionist / Accused

Versus,

1. The State of Bihar.

2. Smt. Babi Singh, W/o Sri Jai Prakash Narayan Singh
R/o:- Mohalla- East Boring Canal Road, P.S.- Budha Colony,
District- Patna

..... Opposite Parties.

Counsel for the Revisionist :- Sri Barunendra Pd. Singh, Advocate.

Counsel for the State :- Sri Rajesh Kumar, P.P.

Counsel for O.P.-2 :- Sri Ajeet Kumar, Advocate

ORDER

09.04.2026.

1. The present Criminal Revision has been filed by the revisionist, Sunil Kumar Singh, accused in Complaint Case No. 6091(C)/2023, against the State of Bihar as Opposite Party No.1 and Babi Singh, the complainant in the said case, as Opposite Party No.2, putting a challenge to the order dated 29.01.2026 passed by the Court of Ms. Aprajita Anand, learned Judicial Magistrate, 1st Class, Patna, whereby the application filed by the revisionist-accused under Section 311 of the Code of Criminal Procedure, 1973, seeking recall of the complainant Babi Singh, has been rejected.
2. Heard the learned counsel for the revisionist-accused, learned counsel for the O.P.-2/complainant, the learned Public Prosecutor for the State, and also perused the order dated 29.01.2026.
3. Learned counsel for the revisionist-accused contends that the impugned order dated 29.01.2026 suffers from both factual and legal infirmities, as the trial court failed to properly consider the application filed under Section 311 Cr.P.C. It is submitted that on 25.07.2025, the complainant produced her witness along with a list of documents, but copies of those documents were not supplied to the petitioner. During examination-in-chief, the complainant

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introduced several documents, and the matter was adjourned to 29.07.2025. The petitioner could not obtain certified copies of those documents, and the conducting counsel, without examining them, allowed the witness to be discharged. Learned counsel further submits that PW-1 is the complainant herself, who proved several documents, and therefore her effective cross-examination on the contents of those documents is essential. It is also argued that since cognizance was taken under Section 138 of the N.I. Act, the complainant was bound to supply copies of the documents relied upon. Lastly, it is urged that the trial court failed to appreciate the scope and object of Section 311 Cr.P.C. and the directions laid down by the Hon'ble Courts. Without proper examination of the complainant, the revisionist-accused would be denied fair justice. On these grounds, it is prayed that the criminal revision be allowed and the impugned order dated 29.01.2026 be set aside.

4. Learned counsel for the opposite party no. 2/complainant submits that the revisionist-accused is attempting to delay the proceedings, having already filed a transfer petition and a revision petition, both of which were rejected. It is further submitted that the defence did not seek adjournment at the time of cross-examination, and ample opportunity was afforded by the court.

5. Learned counsel for the State opposes the submissions advanced on behalf of the petitioner and prays for dismissal of the criminal revision.

6. Upon hearing the parties and perusing the record, it is evident that the present case was instituted in 2023 and listed for evidence on 16.06.2025. On 25.07.2025, PW-1 Babi Singh was examined and partially cross-examined, with further cross-examination deferred due to condolence in the second half. On 29.07.2025, PW-1 was further cross-examined and discharged after completion of evidence. The record shows that after PW-1's evidence concluded, the defence filed a transfer petition, and subsequently PW-2's evidence was recorded. Although cross-examination of PW-1 was deferred, the defence neither sought further adjournment at the time of completion of PW-1's evidence. Only after disposal of the transfer petition and completion of complainant's evidence, at the stage of statement under Section 313 Cr.P.C.,

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did the defence move an application to recall PW-1. The defence has not explained why adjournment was not sought earlier or what new circumstances justify recalling PW-1, which were not apparent at the time of her evidence.

7. A perusal of the impugned order reveals that adequate opportunity was afforded to the accused to cross-examine PW-1, whose recall is now sought. Hence, no justification exists under Section 311 Cr.P.C. for recalling the witness.

8. In view of the above, this Court concludes that the present criminal revision is devoid of merit. Accordingly, the criminal revision stands **dismissed**.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Judgment/Order	09.04.2026
Date of Reserving Judgment/Order	01.04.2026
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