



COURT OF SESSIONS JUDGE, PATNA
JUDGMENT
D.V CASE NO. 50 OF 2026
DATE OF JUDGMENT- 26.05.2026
CNR NO. BRPA010090542026

IN THE COURT OF SESSIONS JUDGE, PATNA
DOMESTIC VIOLENCE APPEAL NO. 24 OF 2026

Anil Singh, S/o Late Prabhu Dayal Singh
R/o:- Punaichak, Mohanpur, P.S.- Shastri Nagar,
District- Patna

..... **Appellant**

Versus,

- 1. The State of Bihar.**
- 2. Rakhi Singh, W/o Anil Singh**
R/o:- Flat No. 31(A) Block, Nirmada Apartment,
Exhibition Road, P.S.- Gandhi Maidan,
District- Patna-800001

..... **Respondents**

Counsel for the Appellant **:- Sri Lalji Prasad Yadav, Advocate,**
Counsel for the State **:- Sri Rajesh Kumar, P.P.**

Date of Judgment: 26th May, 2026

Present: Rupesh Deo

Sessions Judge, Patna

JUDGMENT

1. The present Domestic Violence Appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the “D.V. Act”) has been preferred by the **appellant, Anil Singh**, husband of Respondent No. 2, Rakhi Singh, who is the complainant in D.V. Case No. 50/2024. The appellant has assailed the order dated 15.05.2026 passed by Smt. Garima Singh, learned Judicial Magistrate, First Class, Patna, in D.V. Case No. 50/2024, whereby the recall petition dated 07.02.2026 filed on behalf of the appellant was dismissed.

IN THE COURT OF SESSIONS JUDGE, PATNA
DOMESTIC VIOLENCE APPEAL NO. 24 OF 2026

2. Heard learned counsel for the appellant, learned counsel for the State, and perused the materials on record.

Submissions

3. The fulcrum of contention advanced on behalf of the appellant is that in the domestic violence proceedings, the complainant-wife examined three witnesses, including herself as CW-2. She was cross-examined, but according to the appellant, certain crucial questions relating to cruelty, harassment, and financial matters were not put to her. Consequently, a petition was filed seeking recall of CW-2 for further cross-examination. The trial court, however, rejected the petition dated 17.02.2026 by order dated 15.04.2026.

4. Learned counsel for the appellant submits that the omission of these questions has prejudiced the defence, and further cross-examination is necessary for a fair adjudication. It is argued that since CW-2 resides in Patna itself, her attendance would not cause inconvenience, and the trial court acted hastily in rejecting the petition. It is further contended that the impugned order is unsustainable in law and facts, being illegal and improper, and therefore liable to be set aside.

5. *Per contra*, learned counsel for the State submits that the impugned order is well reasoned, suffers from no infirmity, and does not call for interference.

6. From perusal of petition dated 17.02.2026, it is evident that the only ground urged was that certain 'essential questions' remained to be asked in cross-examination. However, the petition does not specify what those questions were. The absence of such particulars undermines the appellant's plea for recall.

IN THE COURT OF SESSIONS JUDGE, PATNA
DOMESTIC VIOLENCE APPEAL NO. 24 OF 2026

Conclusion

7. In light of the above, this Court finds that the order dated 15.04.2026 passed by the learned Magistrate suffers from no infirmity. It does not call for interference under Section 29 of the D.V. Act. The appeal is devoid of merit and is accordingly **dismissed**.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna.

Date of Judgment	26.05.2026
Date of Reserving Judgment	18.05.2026
Uploading Date	26.05.2026
Uploaded by	Vinod/-