

IN THE COURT OF SMT. HEMA KUMARI, J.M.1ST CLASS
SUB-DIVISIONAL CIVIL COURT, DEHRI (ROHTAS)

GR-919/2010

P.S- Akhodhigola, Case No- 35/2010

STATE VS KALLU KHAN

DATED: 18.03.2021

In the instant case, FIR has been lodged on dated 03.04.2010 u/s 392 of IPC. It has been alleged as in prosecution case that on dated 03.04.2010 the informant Ajay Kumar along with his friend Vinod Kumar was going through Aurangabad- Naviganj Road by riding on a motorcycle (*Bajaj Discover*), then at about 7:00 PM, three persons riding on a *Hero Honda Passion* motorcycle came behind them and at the point of country made pistol (*katta*) has taken away his motorcycle, a nokia mobile and Rs 200/- from his pocket and fled away towards Akhodhigola. Further, charge sheet has been submitted on dated 18.12.2010 against altogether four accused persons namely Kallu Khan, Manu Singh, Raju Gupta & Jaglal Sah u/s 392 of IPC. Accordingly the cognizance of offence has been taken & charge has been framed on dated 21.04.2011 u/s 392 of IPC against all the alleged accused persons. Since dated 05.05.2011 the record has been pending for evidence. During that period summon & Bailable warrant has been issues against the witnesses. And prosecution evidence has been closed on dated 14.12.2018 by the then Ld. Court and this record has been placed before this court on dated 03.02.2021. During that period, due to prosecution efforts' altogether nine witnesses have examined, however the prosecution seems not to have shown any interest for the examination of the informant & other material witnesses. Out of aforesaid nine witnesses examined, some are the witness of the seizure list. Stolen property has been seized after commission of the alleged robbery; seizure list is available on the record.

Now as the offence alleged is commission of a highway robbery which is a serious offence against the society, this Court is of the view that justice should prevail and be administered lawfully and judiciously. In this light under the mandatory provision u/s 311 Cr.P.C, this court *suo motu* issue summon to the informant Ajay Kumar Tiwari & Vinod Singh & Investigating officer of this case in order to meet the ends of justice.

Ordered By:

Hema Kumari

J.M 1ST Class