

In the Court of Sessions Judge, Saran at Chapra

[Criminal Revision No. 199 of 2026]

Sushil Mishra **Petitioner.**

Vs.

The State of Bihar and Anr **Opposite parties**

On behalf of Revisionist:- Sri Chandra Mohan Tiwary.

On behalf of the State (O.P.): - Sri Sarabjit Ojha, P.P.

Date of Order:- 13.07.2026

**Present:- Puneet Kumar Garg
Sessions Judge,
Saran at Chapra.**

ORDER

1. This revision petition has arisen against the order dated 23.04.2026, passed by Smt. Naina Jindal, JMFC., Saran in Trial No. 1420/2025 (GR.-4841/2020), whereby the learned lower court has allowed the petition under section 311 Cr.P.C. and directed the informant to produce the witnesses mentioned in the petition within three consecutive dates.
2. The petitioner challenged the said order dated 23.04.2026 on the ground that the order of the Learned Lower Court is illegal and improper, additional witness cannot be allowed and examined u/s 311 Cr.P.C. to fill up the lacuna. Further stated that on 21.01.2026 and 15.04.2026, last chance was given to the prosecution for adduce his evidence. The petition has been filed only with a view to delay the disposal of the case.
3. On perusal of the record, it transpires that, in this case, witness Champa Devi (Informant) in her examination-in-chief has taken the name of three witnesses namely Kedar Singh, Uday Tiwari and Kanhaiya Tiwari, who were present at the place of occurrence. Although, these three witnesses are not named in the charge-sheet, but they were the eye witness to the incident according to informant. Hence, on 21.04.2026 petition under section 311 Cr.P.C was filed by the State. The said application was allowed on 23.04.2026. The said

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order dated 23.04.2026 is under challenge.

4. Under the power of revision this court is to examine the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of the any proceeding of learned lower court. However, in view of the Sec. 397(2) of Cr.P.C. the power of revision cannot be exercised in relation to an interlocutory order passed in any appeal, inquiry, trial or other proceedings.
5. The **Hon'ble Delhi High Court** on 08 April 2016 in the case titled ***Nilam Mahajan and Anr. Vs. State and Others (Cri. M.C 2242/2014)***, after considering the decision of **Hon'ble Supreme Court in Sethuraman Vs. Rajamanickam, 2009 CRLJ 2247** and other decisions hold that order passed under Section 311 Cr.P.C is interlocutory Order and the same is not revisable.
6. Interlocutory order means an order of a purely interim or temporary nature which do not decide or touch the important rights or liabilities of the parties (***Amarnath Vs. State of Maharastra A.I.R. 1977 Supreme Court 2185***). In this case the Learned Lower Court vide order dated 23.04.2026 had allowed the application of the informant under section 311 Cr.P.C. Which per-se do not decide any important right or liability of the parties, it merely gives an opportunity to the informant to present her case. Hence, the order dated 23.04.2026 being an interlocutory order, the objections/submissions of the petitioner are not tenable.
7. In view of the aforesaid, this Court does not find any illegality/infirmary in the order dated 23.04.2026, hence, the said order is not required to be interfered with. This revision petition is hereby **dismissed**. The LCR be sent back to the learned Trial Court.

[Dictated]

(Puneet Kumar Garg),
Sessions Judge, Saran
13.07.2026

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