

District and Addl. Sessions Judge – III
Vaishali at Hajipur
STr No. 473/2024
State of Bihar Vs Nageshwar Rai and others

Dated 30.05.2025

The accused Nageshwar Rai is present. The representation the accused sonu Kumar @ Sonu Kumar Yadav has been filed. The representation is allowed. The witness Yogeshwar Rai has been present. The copy of Adhar Card signed by Ld APP has been filed. The further cross examination of the witness has been commenced. During the course of cross-examination, the witness and the Ld. Counsel for the defence have indulged in verbal altercation on several occasions and the Court has forewarned both of them to be calm, precise and directed them to maintain the decorum of the Court. The cross examination has been completed after about 35 minutes under the direction and superintendence of the Presiding Officer and the deposition writer has been punctual through out the deposition. The contents of the deposition has been read over to the witness in the presence of accused and his pleader. The Ld defence counsel has not raised any objection, however, the witness has denied the correctness of some parts of evidence as it was read over to him. The witness has also been very discourteous and has uttered some nasty things against Ld counsel for defence and deposition writer. The P.O. has directed the witness to remain calm and maintain the dignity of the Court. The Ld APP has also tried to persuade the witness but to no avail. The witness has declined to sign the deposition. The presiding officer has directed the Ld APP and Ld counsel of the witness to file objection alongwith affidavit. Accordingly, after some time an affidavit alongwith the application has been filed stating therein that in para 24 and 25 of the cross examination, he has not mentioned that the darogaji has not taken his statement after fardbayan. But darogaji has taken his statement in which he has reiterated the statements of examination in chief. It is also mentioned that in para 29 thirteenth line, he has not stated that he got administered one dose of injection but he got 20 doses. He has also stated in the aforesaid application that he has not understood the question of defence counsel and due to ignorance regarding 161 CrPC, he has given such statement. The presiding officer has considered the provisions of section 276 277 and 278 of CrPC and its corresponding sections 311 to 313 of BNSS and thereafter a memorandum has been made of the objection by the witness. It is kept on the record alongwith the remarks of the Presiding Officer and the deposition has been signed by the Presiding Officer alongwith the memorandum of objection & remarks thereof. The witness has been accordingly, discharged.

Put up on 25-06-2025 for evidence.

Dictated

ASJ-III
D & A.S.J. Vaishali at Hajipur

Memorandum as per section 313 of BNSS

The objections of the witness has been mentioned in the application supported with affidavit dated 30-05-2025. The objections are mainly related with para 24, 25 and 29 of the cross examination and main contention is ignorance regarding 161 CrPC. The deposition of the witness shall be considered alongwith memorandum of objection at the time of final adjudication of the matter in light of overall impact of the evidence available of the records. This memorandum shall be attached with the deposition of the witness PW-1 Yogeshwar Rai which to be considered at relevant point of time.

Dictated

ASJ-III

**District & Additional Sessions Judge,
Vaishali at Hajipur**