

Sl. No.	Date of order of proceeding	Order with signature of the court	Office note taken with date
		In the court of Sri Prakash Jha, Spl. Judge, ACB, Ranchi	
		<u>Misc. Criminal Application No. 2468 of 2022</u> <u>Vigilance (Spl.) Case No. 03/2012</u> <u>CNR:- JHRN01-13059-2022</u> Ram Dayal Ram Petitioner Versus The State of Jharkhand through ACB O.P. <u>ORDER</u>	
	03/12/2022	The instant petition u/s 311 of the Code of Criminal Procedure has been filed on behalf of the accused-petitioner namely, Ram Dayal Ram, stating therein that PW-3 John Pratap Bage who was a member of raiding team in Vigilance (Spl.) Case No. 03/2012, was examined and discharged on 19/03/2015. The petitioner could not get an opportunity to cross-examine him and for that reason he filed a petition on the same day i.e. on 19/03/2015. His cross-examination is essential for the ends of justice. It is prayed that PW-3 John Pratap Bage may be recalled and the petitioner may be permitted to cross-examine him in the interest of justice. Sri A.K. Gupta, Id. Spl. P.P. has submitted that he does not intend to file a rejoinder to the aforesaid petition. He has submitted that he does not oppose the prayer of the petitioner for recall and cross-examination of PW-3. In this regard he has also written no objection in the margin of the petition. However, he has submitted that a witness cost may be imposed while passing the order on the petition. The record goes to show that PW-3 John Pratap Bage was examined on 19/03/2015 and since no one turned up on the behalf of the petitioner to cross-examine him, nil opportunity was given and the witness was discharged. Id. Spl. P.P. has not opposed the prayer of the petitioner and in this regard he has written no objection in the margin of the petition. Id. Spl. P.P. has further submitted that on the next date of hearing he will produce the witness John Pratap Bage. Having regard to the aforesaid facts and circumstances, the instant petition for recall and cross-examination of PW-3 John Pratap Bage is hereby allowed subject to payment of witness cost of Rs. 500/- (Five hundred) only to be paid by the petitioner to PW-3 John Pratap Bage. (Dictated) Sd/- (Prakash Jha) Spl. Judge, ACB, Ranchi	