

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 265 of 2024

Aijajul Haque, aged about 58 years, son of Md. Jakir Sah, resident of Darji
Muhallah, P.O. and P.S. Ichak, District-Hazaribag

..... ... Petitioner

Versus

1. The State of Jharkhand
2. Md. Alimuddin, son of Ainul Haque, resident of village-Kesda, P.O. and
P.S. Tati Jharia, District-Hazaribag Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : None
For the State : Mr. Pankaj Kumar, Spl. P.P.

05/ 19.09.2025: On repeated calls nobody appeared on behalf of the
petitioner. Learned counsel for the petitioner is present.

2. The present revision application has been filed against the order dated
12.01.2024 passed by the learned Additional Sessions Judge-VII, Hazaribag in S.T.
Case No. 57 of 2020, whereby the petition filed by the complainant under section
311 of Cr.P.C. has been allowed.

3. It has been averred in the petition that the impugned order has been
mechanically passed by the learned court without applying judicial mind. It has
been further stated that the prior to lodging of Complaint Case No. 498 of 2013
regarding murder of Md. Naushad Alam @ Pappu, an F.I.R. has been lodged vide
Ichak P.S. Case No. 45 of 2013 registered on 01.03.2013 in which police after
investigation submitted final form. It has been further stated that on the complaint
petition cognizance has been taken and prosecution has examined seven witnesses
and when the case is posted for argument, a petition under 311 Cr.P.C has been
filed to prove the signature of P.W.3 and P.W.4 who are inquest witness in Ichak P.S.
Case No. 45 of 2013 which was allowed by the learned court. On these grounds,
impugned order has been challenged.

4. Mr. Pankaj Kumar, learned counsel for the State submits that there is
specific power of the Court and at any stage the said power can be exercised by the
learned court if material witnesses are there.

5. In view of above and looking into contents of complaint, it transpires that

the learned court has found that P.W.3 and P.W.4 as well as doctor are material witness as they are witness on the inquest and in view of that said petition has been allowed.

6. Section 311 of Cr.P.C is discretionary power of the court and to come to just conclusion of the case that power can be exercised at any stage. As such there is no illegality in the impugned order. Accordingly, this petition is dismissed. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

satyarthi-
Dt. 19.09.2025