

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 297 of 2014

Preetam Lal Sahu S/o Ram Kumar Sahu Aged About 38 years R/o Bazar Para Jairam Nagar, Tahsil Masturi, Civil & Revenue Distt. Bilaspur C.G.

---- Petitioner

Versus

Smt.Kalpana Sahu, W/o Shri Preetam Lal Sahu Aged About 33 Years R/o Ramesh Gali, Sitamadhi, Korba, Civil & Revenue Distt. Korba C.G.

---- Respondent

For Petitioner

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Shri Ravindra Agrawal, Advocate

Order On Board

09/07/2015

Heard.

1. This petition, under Article 227 of the Constitution of India, is preferred against order dated 18.02.2014 by which petitioner's application for allowing him to confront the witness with the earlier statement has been rejected.
2. Learned counsel for the petitioner submits that the petitioner's application has been rejected by the Court below only on the ground that the document was not exhibited at the time of examination of the petitioner. He submits that the document is very essential for establishing his case. It was submitted that the petitioner sought permission of the Court to confront the non-applicant with the document by producing the original copy/certified/attested copy but the Court below has rejected the application.
3. No one has appeared for respondent despite service of notice.
4. Under Section 145 of the Evidence Act, the witness can always be confronted with his previous statement. In the application filed by the petitioner, it has been clearly stated that the petitioner needs to confront the non-applicant by producing the original or certified/attested

copy. In that view of the matter, there was no legal impediment in allowing the petitioner to confront the witness with the document by producing the original or certified copy. The impugned order, therefore, has caused miscarriage of justice and cannot be allowed and the same is set aside. The petitioner's application is allowed. The petitioner shall be allowed to confront witness as prayed for by him.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha