

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Revision No.726 of 2015

1. Jaydeep @ Jaiki Loniya, S/o Kanhaiya Lal, aged about 23 years
2. Smt. Gulaba Bai, W/o Kanhaiya Lal, aged about 55 years
3. Kanhaiya Lal, S/o Late Khamhan Singh, aged about 58 years

All R/o Village Navrangpur, O.P. Chilfi, P.S. Lormi, District Mungeli (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through O.P. Chilfi, P.S. Lormi, District Mungeli (C.G.)

---- Non-applicant

For Applicants: Mr. Rajesh Kumar Jain, Advocate.

For Non-applicant/State: Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/09/2015

1. Heard on the question of admission.
2. The revision is admitted for hearing.
3. Issue notice to the non-applicant.
4. Mr. Anupam Dubey, learned Deputy Government Advocate, accepts notice on behalf of the State/non-applicant.
5. With the consent of both the parties, the revision is heard finally.
6. By the impugned order dated 6-7-2015 passed by the Additional Sessions Judge, Mungeli in S.T.No.40/2014, the trial Court has rejected the application under Section 311 of the

CrPC declining to re-examine Lalaram PW-3 who has been examined on 4-6-2015.

7. Learned counsel for the applicants submits that in order to establish the defence of the applicants, re-examination of Lalaram is necessary to confront him with his morgue statement and as such, he be recalled which is opposed by the State counsel.
8. Taking into consideration the defence raised by the applicants and that re-examination of Lalaram PW-3 is necessary, the impugned order to the extent of rejecting re-examination of Lalaram PW-3, is set aside. The Additional Sessions Judge shall summon Lalaram PW-3 for his re-examination to the extent of his morgue statement on 12-10-2015 and on that day, the applicants shall make payment of Rs.1,500/- to the said witness. If the applicants fail to re-examine the said witness on the next date of hearing / or other date, if any, given in that behalf, before the trial Court, the right to re-examine Lalaram PW-3 shall automatically stand closed.
9. With the aforesaid observation, the revision stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge