

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 195 of 2014

Dr. Smt. Yasmin Khan, W/o. Shri Irfan Khan, Aged About 43 years, R/o. Ware House Road, Near Nova Office, Street No. 2 Kududand, P.S. Civil Lines, Bilaspur, Civil & Revenue District Bilaspur, C.G.

---- Petitioner

Versus

1. Shailendra Singh, S/o. Shri Badri Singh, Aged About 34 Years, R/o. Near Radha Krishna Mandir, Jabadapara, New Sarkanda, P.S. Sarkanda, Civil & Revenue District Bilaspur, C.G.
2. State of C.G. Through: District Magistrate, Bilaspur, C.G.

---- Respondents

For Petitioner	:	Mr. Devesh G. Kela, Advocate
For Respondent No.1	:	Mr. Rakesh Pandey, Advocate
For Respondent No.2/ State	:	Ms. M.Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/07/2015

Heard

1. The instant petition is against the order dated 06.02.2014 passed in Criminal Revision No.243/2013 by the Session Judge, Bilaspur, whereby the challenge made to the order dated 26.10.2013 passed by the Judicial Magistrate First Class, Bilaspur, wherein the right to cross examine the witness was affirmed.
2. Learned counsel for the petitioner submits that predominantly the petition is against the order dated 26.10.2013 whereby the right to cross examine of the witness Dr. Lakhan Singh was denied, which is affirmed by the revisional Court and therefore the same is subject of challenge before this Court.
3. Learned counsel for the Respondent No.1 submits that the petition may be allowed and the right to cross examine of the witness Dr. Lakhan Singh may be afforded to the petitioner, as otherwise the case is in the standstill, which is also not opposed by the State counsel.

4. Considering the submission made by the counsel for the respondents, the order dated 26.10.2013 to the extent which closed the right to cross examine the witness Dr. Lakhan Singh is set aside.
5. It is directed that on the next date of hearing when the witness Dr. Lakhan Singh appears, the petitioner shall be entitled to cross examine the witness. It is further made clear that there should not be any unnecessary adjournments in this case, so that the complaint case can be expedited.
6. With the aforesaid direction, the petition stands allowed.

Sd/-
(Goutam Bhaduri)
JUDGE

Ashok