

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.805 of 2015**

1. Vishal S/o. Shri Dilip Kumar Gujrati, aged about 21 years, residence of Near Rajbandha Ground Raipur, Complex S/43, Thana-Moudhapa, Civil & Revenue Distt.Raipur (CG)
2. Girish Kumar S/o. Bharat, by Caste-Sindhi, aged about 21 years, R/o. Quarter No.EWS-222 Devendra Nagar, Raipur, P.S. Devendra Nagar, Civil & Revenue Distt.-Raipur (CG)

---- Petitioners**Versus**

State of Chhattisgarh through the District Magistrate, Mahasamund,
Distt.-Mahasamund

---- Respondent

For Petitioners	:	Mr.Sunil Sahu, Advocate
For Respondent	:	Mr.Neeraj Sharma, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/10/2015**

1. The petitioners are facing trial for offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act, 1985').
2. Anil Manzhi (PW-10) and Bhagwat Thakur (PW-11) were examined on 18.8.2014 and thereafter evidence of other prosecution witnesses has also been recorded. On 9.9.2015, an application for examination of Anil Manzhi (PW-10) and Bhagwat Thakur (PW-11) has been filed stating that from the aforesaid witnesses question relating to compliance or otherwise of Section 42 of the Act of 1985 could not be raised, therefore, application may be allowed, which has been rejected by the Special Judge, Mahasamund vide order dated 16.9.2015 in Special Criminal Case No.14/2012.
3. After hearing learned counsel for the petitioners and considering the fact that Anil Manzhi (PW-10) and Bhagwat Thakur (PW-11) have been

examined long back, to fill up the lacuna the prosecution witnesses cannot be recalled in exercise of revisional jurisdiction under Section 311 of the CrPC. I do not find any illegality in the order impugned.

4. Consequently, the revision being without substance is liable to and is accordingly dismissed.

5. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-