

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.853 of 2015

Ramlal Sharma, aged about 63 years, S/o Late Ratiram Sharma, Retired Assistant Grade-II, Janpad Panchayat Kurud, District Dhamtari, C.G., R/o 32/1020, Shyam Nagar, Raipur, In front of Vriddha Ashram, Post Ravigram, P.S. Telibandha, Distt. Raipur, C.G.

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Dhamtari, Distt. Dhamtari, C.G.

---- Non-applicant

For Applicant:	Mr. Pushkar Sinha, Advocate.
For Non-applicant:	Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/10/2015

1. The applicant is facing trial for offence under Sections 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, 1947. By order dated 7-9-2015, the trial Court directed the applicant to pay process fees for examination of defence witness which he paid accordingly on 7-9-2015 itself, the process were issued and the case was fixed for 21-9-2015. On 21-9-2015, it appears, no defence witness appeared though process fess has been paid by the applicant. The trial Court closed the opportunity of the applicant to adduce evidence and fixed the case for final argument on 14-10-2015.
2. It appears that there is no fault on the part of the applicant, as the defence witness, in spite of payment of process fees for summoning them, did not appear on 21-9-2015 and therefore, the learned Special Judge could not have closed the opportunity of the applicant to adduce evidence in his defence particularly, in a case under the Prevention of Corruption Act, 1947. Accordingly, the order dated 21-

9-2015 passed by the Special Judge under the Prevention of Corruption Act, Dhamtari in Special Criminal Case No.2/2011 is set aside and the Special Judge is directed to summon the defence witness on the process fees paid by the applicant.

3. Parties are directed to appear before the Special Judge on 14-10-2015 for further needful action.
4. The revision is disposed of in aforesaid terms.

Sd/-
(Sanjay K. Agrawal)
Judge

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