

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 17 of 2016**

Ajit Singh son of Shubhram, Tambar, aged about 50 years, R/o Officer Mess, Murga Chowk, CISF Complex, Sector 3, Bhilai, P.S. Bhilai, Bhatthi, Tahsil and District Durg, Chhattisgarh.

---- Petitioner/ Accused**Versus**

State Of Chhattisgarh Through the District Magistrate, Durg, District Durg Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Jitendra Gupta, Advocate.
For the Respondents	:	Ms. M. Asha, Panel Lawyer for the State.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****17/03/2016**

1. Heard on I.A. No. 1 of 2016, an application for not pressing the affidavit sworn by Sukhdeo Bhogal (Advocate, Durg) on 25.1.2016. The Petitioner does not want to press the affidavit dated 25.1.2016. It is submitted on behalf of the Petitioner that on a mercy ground he is assailing the instant Cr.M.P. for affording an opportunity to cross-examine the prosecution witnesses Vinod Singh Rawat and Dashrath Lal.
2. On due consideration, I.A. No. 1 of 2016 is hereby allowed and the affidavit dated 25.1.2016 filed in support of the instant Cr.M.P. is rejected as not pressed.
3. With the above observation that concerned Advocate being an Officer of the concerned Court is required to cooperate with the proceedings of the Court in a permitted manner.

4. Learned counsel for the Petitioner submits that looking to the entire facts the matter may be heard finally at the motion stage itself.

5. With the consent of both the parties, the matter is heard finally at the motion stage itself.

6. Learned counsel for the Petitioner submits that entirely on mercy ground, he is praying for an opportunity to cross-examine the prosecution witnesses Vinod Singh Rawat and Dashrath Lal through the counsel for the accused/ Petitioner before the trial Court. On account of their own lapse, the aforesaid witnesses were not examined at the given opportunity. Hence, to defend him properly, an opportunity may be afforded to the accused/ Petitioner to cross-examine those witnesses. It is further submitted that the Petitioner shall cooperate with the further proceedings of the trial. Hence, on mercy ground, one opportunity may be afforded.

7. On due consideration of the above submissions, it would be in the interest of justice to afford an appropriate opportunity to the accused/ Petitioner. Accordingly, the prayer made in this behalf is accepted.

8. Consequently, the instant Cr.M.P. is disposed of. The Court below is directed to issue process again to the earlier examined prosecution witnesses Vinod Singh Rawat and Dashrath Lal as per law fixing a date for their cross-examination and grant an opportunity to the accused/ Petitioner to cross-examine those witnesses in accordance with law. It is further directed that the expenses of those two prosecution witnesses, as permissible under the relevant rules, shall be borne by the Petitioner as a condition precedent.

9. The Petitioner is directed to cooperate with the proceedings of further trial as required.
10. The Petitioner shall produce a copy of this order before the trial Court for compliance.
11. Registrar (Judicial) is also directed to send a copy of this order to the Court below through usual and fax modes for compliance.

Sd/-

Chandra Bhushan Bajpai
Judge