

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 276 of 2015

1. Smt. Surekha Jain W/o Shankar Lal Deewan, aged about 24 years, R/o Village Kanapode Post Lakhanpuri P.S. Lakhanpuri Tahsil Charama Revenue and Civil District North Bastar Kanker, Chhattisgarh

---- Revisioner/Petitioner

Versus

1. Shri Shankar Lal Deewan S/o Bude Singh, aged about 27 years, R/o Bazarpara Durgkondal Tahsil Durgkondal P.S. Dugekondal Revenue and Civil District North Bastar Kanker, Chhattisgarh
2. Manmohan Kurre S/o Ramprasad Kurre Permanent Residence at Village Nagrada District Janjgir, Chhattisgarh, Presently Residence at Constable C.F.16 V Battalions Narayanpur Camp Ravghat Batch No. 170 P.S. Narayanpur Revenue and Civil District Narayanpur, Chhattisgarh

---- Respondents

For Petitioner – Shri P.K.Tulsyan, Advocate.

For Respondent No.1 – Shri D.N.Prajapati, Advocate.

For Respondent No.2 – Shri F.S.Khare, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

23/02/2016

1. At the outset, it is submitted on behalf of the parties that in the order passed by the Court below dated 05-03-2015, the Court below failed to appreciate all the admissible evidence available in record. Hence, it is prayed that the Court below may be directed to dispose of the matter finally after hearing arguments of the parties and to appreciate the admissible evidence available in the record, within a specific time frame.

2. For appreciation of the submission as made in this behalf by learned counsel for the parties, the order impugned and the record of the Court below are perused.

3. On due consideration, this Court is of the view that the Court below has not considered the entire admissible evidence available in the record and therefore, it would be appropriate to remand back the matter for its disposal

afresh after hearing again the arguments by the parties without being influenced by the order dated 05-03-2015.

4. Consequently, the instant criminal revision is hereby disposed of and the impugned order dated 05-03-2015 is hereby set aside. Both the parties are directed to remain present before the Court below on **10th of March, 2016** either in person or through their respective counsel. The Court below is directed to hear the arguments afresh in the matter and to pass an order afresh without being influenced with the earlier order passed on 05-03-2015 on its merit on the entire admissible evidence available in the record. The Court below is further directed to dispose of the matter within three months from 10th of March, 2016, i.e., before 10th of June, 2016.

5. Registry is directed to immediate transmit the record of the Court below for further hearing in the matter.

6. The parties may file copy of this order before the Court below for compliance.

7. Registrar (Judicial) is also directed to transmit the copy of the order through usual mode and fax mode to the Court below for compliance.

8. The criminal revision disposed of.

9. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE