

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 382 of 2016**

Smt. Shakuntala Devi W/o Satyanarayan Verma (Soni) aged about 60-62 years, occupation Housewife, R/o Civil line, Raigarh, near Sandesh Press, District Raigarh, CG

---- Petitioner**Versus**

1. Bhupendra Singh Gujral S/o Balwant Singh Gujral, aged 62 years, Occupation Business (Rickshaw Garage), R/o Daroga Para, Kalabadi Darogapara, Raigarh, CG.
2. State of Chhattisgarh through District Magistrate, Raigarh, CG

---- Respondents

For Petitioner	:	Shri Akhtar Hussain, Advocate
For Respondent no.1	:	Shri Awadh Tripathi, Advocate
For Respondent 2/State	:	Shri Rajendra Tripathi, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25.07.2016**

The present petition under Section 482 CrPC has been filed assailing the order dated 11.03.2016 passed by the Special Judge (Atrocities Act), Raigarh in Criminal Revision No. 129/15. Vide the said order dated 11.03.2016 the Revisional Court has affirmed the order dated 10.12.2015 passed by the JMFC, Raigarh in Criminal Case No. 668/2012 dismissing the complaint filed by the petitioner on account of there being continuous default for more than five years in appearing before the trial Court to lead evidence.

2. Counsel for the petitioner assailing the two orders submits that the Court below ought to have given one opportunity to the petitioner for leading evidence and thereafter should have closed the case. He further submits that if the petitioner is not granted even one more opportunity to defend her

case by leading evidence, it would be detrimental to her interest and she would incur irreparable damage.

3. Opposing the prayer of the petitioner counsel for the respondents submit that it is a case where the complaint was lodged in the year 2002 and after about 9 years time i.e. on 26.11.2011 for the first time the matter could be listed for recording of evidence before framing of charge. After 26.11.2011 all along till 10.12.2015 the matter was fixed on various dates but on none of the dates, the petitioner or her witness were present before the Court below to make statement before framing of charge and this attitude of the petitioner shows her interest in contesting the case. Further, the matter had even travel to the High Court and there was a specific direction by the High Court to the Court below for conducting the case expeditiously in spite of that when an opportunity was granted to the petitioner she did not think it proper for entering appearance before the Court below to make her statement before charge. Thus, according to the counsel for the respondents, the Court below has not committed any infirmity or illegality while closing the case of the petitioner and prayed for dismissal of the present petition.

4. Having considered the submissions made by the counsel for the parties and on perusal of the record it clearly reflects that for almost five long years the petitioner has been granted various opportunities to lead evidence but she went into deep slumber without availing the opportunities granted to her and for the lapse on the part of the petitioner she alone is to be blamed. Now, the petitioner could not turn back or pray for her case being considered sympathetically for the reason that sympathy would always go with a person who is prudent, prompt, vigilant and conscious about his case.

5. For the aforesaid reasons, this Court is of the opinion that no good case is made out for interfering with the impugned order. Accordingly, the present Cr.M.P. being devoid of merit is dismissed.

Sd/-

P. Sam Koshy

Judge