

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 397 of 2016**

Rajkishore Sahu @ Raja Sahu S/o Kailash Ram Sahu, aged about 23 yers, R/o vilage – Chicha, Police Stationn – Patan, District Durg, Chhattisgarh Civil & Revenue District Durg, Chhattisgarh.

---- Applicant**Versus**

The State of Chhattisgarh, through police station Somni, District Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.K. Prasad, Advocate.
For the Respondent/ State	:	Ms. M. Asha, Panel Lawyer, on advance copy.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****04/05/2016**

(1) Heard.

(2) Issue notice to the Respondent/ State.

(3) Ms. M. Asha, Panel Lawyer accepts notice on behalf of the Respondent/ State.

(4) At the outset, learned counsel for the Applicant submits that the instant criminal revision may be disposed of reserving liberty to the Applicant to pray before the trial Court for examination of witnesses as prayed in the application filed under Section 311 of the Code of Criminal Procedure, 1973 (for short 'the Code') as and when the Applicant enters into the defence under the provisions of Section 233 of the Code and if any such application is filed, the Court may consider the said application for calling those witnesses already examined under the provisions of law without being influenced by the impugned order dated 10.3.2016.

(5) On due consideration, the instant criminal revision is disposed of without any appreciation on its merits reserving the liberty to the Applicant to pray before the trial Court for examination of witnesses as prayed in the application under Section 311 of the Code as and when the Applicant enters into the defence under the provisions of Section 233 of the Code and if any such application is filed on behalf of the Applicant, the trial Court is directed to consider the same purely on its merits and the provisions of law without being influenced by the observations of the trial Court as surfaced in the order dated 10.3.2016.

(6) With the aforesaid direction, the petition is disposed of.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE