

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRIMINAL REVISION NO. 474 OF 2016**

Krishna Kumar Manu, S/o Gophe Lal, aged about 52 years, presently Resident of Atal Awas, Rajkishore Nagar, Qtr. No. E-2-3, Bilaspur (C.G.)

**... Applicant**

**Versus**

1. Sumitra Bai Khandekar, W/o Itwari Khandekar, aged about 55 years, R/o Village- Gunsari, P.S. Takhatpur, District- Bilaspur (C.G.)
2. Itwari Khandekar, S/o Sonsai, aged about 59 years, R/o Village- Gunsari, P.S. Takhatpur, District- Bilaspur (C.G.)
3. Rajendra Khandekar, S/o Itwari Khandekar, aged about 34 years, R/o Village Gunsari, P.S. Takhatpur, District Bilaspur (C.G.)

**... Non-applicants**

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For Applicant : Ms. Neha Verma, Advocate.

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**13/06/2016**

1. The present criminal revision stands filed challenging the order dated 6.4.2016 passed by the IX<sup>th</sup> Additional Sessions Judge, Bilaspur in Sessions Trial No. 121 of 2015. Vide impugned order dated 6.4.2016, the Court below has rejected the application under Section 319 of CrPC preferred by the Applicant.
2. Counsel for the Applicant submits that the impugned order deserves to be quashed for the reason that the Court below has not appreciated the fact that there is a specific submission made by PW-2, Krishan Kumar and PW-13, Resham Bai so far as the allegation made against Ku. Reena @ Sanju Khande and therefore it was requested for making her as an additional accused in the light of the evidence of PW-2 and PW-13.

3. However, perusal of the impugned order itself very clearly reflects that the Court below has fully considered the submissions of the Applicant while rejecting the application under Section 319 of CrPC. That, for reaching to the conclusion the Court below took note of the fact that both PW-2, Krishan Kumar and PW-13, Resham Bai had not named Ku. Reena @ Sanju Khande as an accused before the police during the course of investigation neither had there been any such allegation made against her while the statement under Section 161 of CrPC was recorded.

4. In the opinion of this Court, the Court below has not committed any error of law or on fact in reaching to the conclusion while rejecting the application under Section 319 of CrPC. Further, the Court below has also rightly taken into consideration the directives given by the Supreme Court in the case of *Kailash Vs. State of Rajasthan & another* reported in 2008 (2) RCR (Criminal) (SC) 200.

5. Thus, for the foregoing reasons, this Court does not find any good reason for entertaining the present criminal revision and the same being devoid of merits is accordingly dismissed.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**