

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 525 of 2016**

Naiharsai S/o Shri Nohar Chouhan Aged About 28 Years R/o Village Kumarta, Police Station Kapu, District - Raigarh, Civil And Rev. Distt. Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Of The Police Station Kapu, District Raigarh Chhattisgarh.

----Non-Applicant

For Applicant:	Shri Abhishek Saraf, Advocate.
For Non-Applicant/State :	Shri UKS. Chandel, Panel Lawyer.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

17.6.2016

1. The present Revision has been preferred challenging the order dated 3.5.2016 passed by the Additional Sessions Judge (FTC), Raigarh, District Raigarh in Sessions Trial No.114/2012. By the said impugned order, the Court below has rejected the application under Section 311 Cr.P.C moved by the Applicant seeking for recalling of the witnesses of the prosecutrix, PW-3 and her sister, PW-8 for further cross-examination.

2. The facts in brief are that the prosecutrix, PW-3 had lodged a First Information Report against the present Applicant for the offence under Sections 366 and 376 and which was investigated and thereafter, the Sessions Trial i.e. S.T No.114/112 was initiated before the 1st Additional Sessions Judge (FTC), Raigarh. It is said that the entire prosecution witnesses have already been examined and the matter is now fixed for examination of the accused persons. Meanwhile, the present Applicant is said

to have moved an application on 26.4.2016 under Section 311 Cr.P.C seeking for the recalling of the services of prosecutrix, PW-3 and her sister, PW-8 for further cross-examination. The main contention of the Applicant is that the reason for requiring of further examination of PW-3 and PW-8 is a subsequent development of a fresh case filed by PW-3 against some other accused person charging them with a similar nature of offence.

3. In the opinion of this Court, a subsequent complaint lodged against some other persons would not be a relevant factor for the adjudication of the present case as that by itself is an independent act not related in any manner to the allegations and complaints in the case under trial and therefore, the rejection of the same by the Court below cannot be said to be bad in law nor can it be said to be illegal.

4. For the aforesaid reasons, this Court is of the opinion that no good and strong ground has been made out by the Applicant calling for interference of the impugned order and therefore, the same being devoid of merits is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE