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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 774 of 2016**

Smt. Sanyogita W/o Shri Birendra Kumar Verma, aged about 26 years D/o Late Shri Ramprasad, R/o Village Chanwar Sarai, Police Out Post - Raghunathnagar, Police Station Ramkola, Tahsil Wadrafnagar, Distt. Surajpur, Chhattisgarh.

---- Petitioner**Versus**

1. Birendra Kumar Verma S/o Shri Lalji Verma, aged about 30 years R/o Village Baratikala, Distt. Balrampur, Chhattisgarh.
2. Lalji Verma S/o Shri Ramdhari Verma, aged about 50 years, R/o Village Baratikala, Distt. Balrampur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Rishi Rahul Soni, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/07/2016**

By way of the present Cr.M.P. the petitioner assails the order dated 24.06.2016 passed by the Additional Sessions Judge, Pratappur in Criminal Revision No. 06/2015 whereby the Criminal Revision preferred by the petitioner against the orders dated 23.09.2015 and 15.01.2015 passed by the JMFC, Pratappur, District Surajpur in Criminal Case No.183/11 closing the right of the petitioner to lead evidence has been rejected.

2. Facts in nutshell are that the petitioner who is complainant before the trial Court had initiated proceedings against the respondents for the offence under Section 6 read with Section 2 (5) and Section 4 of Dowry Prohibition Act, 1961. The matter was instituted on 7th April, 2006 and on the basis of the prima facie evidence, the complaint was registered on 04.05.2007 against the respondents for the offence under Section 6 of Dowry Prohibition Act and thereafter the matter was fixed for

evidence of the prosecution witnesses. Finally, the matter was fixed for the statement of the complainant before charge on 27.11.2010 but since 27.11.2010 there was a continuous absence on the part of the complainant before the trial Court till 26.12.2014 on which date the Court below issued one more warning letter to the complainant for appearing before it on 15.01.2015 so as to record her statement before charges were framed. On 15.01.2015 also there was no representation on behalf of the complainant and therefore her right to lead evidence before the Court below was closed. Subsequently, on 21.09.2015, the complainant for the first time moved an application for permission to produce evidence before charges were framed which was rejected on 23.09.2015.

3. The order dated 23.09.2015 and 15.01.2015 was assailed by the petitioner/complainant in Criminal Revision No. 06/15 before the Additional Session Judge, Pratappur. The revisional Court also taking into consideration the entire facts of the case more particularly the deliberate absence of the petitioner before the Court below for a considerable period of five years with no justification and explanation rejected the revision petition vide impugned order dated 24.06.2016. It is this order which has been put to challenge in the present petition.

4. Having gone through the contents of the order passed by the Revisional Court and also the order sheets of the trial Court, this Court is of the opinion that it is not a fit case where the discretionary power is to be exercised by this Court under Section 482 CrPC for granting the petitioner more opportunities for leading her evidence as from the record itself it is evidently clear that the petitioner has been granted more than sufficient opportunities by the trial Court itself not once or twice but for five years together yet the petitioner did not avail her right

and also did not co-operate in the further proceedings before the trial Court. Thus, in the opinion of this Court, there is no illegality or infirmity committed by the two Courts below while passing the order dated 15.01.2015 and while rejecting the application for leading evidence on 23.09.2015 and also rejecting the Revision petition on 24.06.2016.

5. Thus, the present Cr.M.P. being devoid of merit, deserves to be and is accordingly rejected.

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