

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No.724 of 2016**

1. Neeraj Naidu S/o Late Nagraj Naidu Aged About 30 Years R/o Chandani Chowk, Behind Hotel Poonam Jagdalpur, Revenue & Civil District Bastar, Chhattisgarh.
2. Laxmi Naidu Wd/o Late Nagraj Naidu Aged About 55 Years R/o Chandani Chowk, Behind Hotel Poonam Jagdalpur, Revenue & Civil District Bastar, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through P.S. Kotwali, Jagdalpur, District Bastar
Chhattisgarh.

---- Respondent

For Applicants : Shri Pravin Tulsyan, Advocate
For Respondent/State : Shri Dhiraj Wankhede, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/08/2016

Heard.

2. This petition has been filed against the impugned order dated 23-07-2016, by which, the application filed by the applicants under Section 310 Cr.P.C. has been rejected.

3. Learned counsel for the applicants submits that for fair conduct of trial, spot inspection is necessary but the trial Court rejected the application without due consideration.

4. Occasion for filing application arose in view of the deposition of V. Satya Rao, PW-11, who has deposed regarding the time consumed for completing exercise of recording dying declaration. This witness has been cross-examined in detail on 11-09-

2015. There is nothing on record to show that immediately after recording the evidence of the said witness or before beginning the defence or even at the stage of examination under Section 313 Cr.P.C., any effort was made by the applicants to seek spot inspection. It will be a matter of assessment of evidence available on record whether the evidence of V. Staya Rao, PW-11 is to be believed or not.

5. In the totality of the circumstances as considered hereinabove, I find that the rejection of the application does not prejudice the applicant in its defence nor it has prejudiced fair conduct of trial.

6. In the result, the revision petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge