

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 814 of 2016**

1. Bhanu Thakur S/o Chatur Singh Thakur Aged About 21 Years R/o Village Patekohra, Out Post: Chichola, Police Station Chhuriya, Police Station: Rajnandgaon Chhattisgarh
2. Dharmendra Sahu @ Chhotu S/o Bhogdas Sahu Aged About 20 Years R/o Village Patekohra, Out Post : Chichola, Police Station Chhuriya, Police Station Rajnandgaon Chhattisgarh
3. Yashwant Singh @ Ashwan S/o Manharan Singh Aged About 19 Years R/o Village Patekohra, Out Post : Chichola, Police Station Chhuriya, Police Station : Rajnandgaon Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through : Out Post Chichola, Police Station Chhuriya District : Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicants	:	Mr. Rajesh Kumar Sharma, Advocate.
For Non-applicant / State:		Mr. U.K.S. Chandel, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****02/09/2016**

1. The present Criminal Revision has been filed by the Applicants being aggrieved with the impugned order dated 16.05.2016 passed by the Additional Sessions Judge Dongargarh in Sessions Trial No. 3/2014 whereby an application under Section 311 of the Cr.P.C. preferred by the Applicants has been rejected.
2. It is the case where the Applicants have been prosecuted for the

offence under Sections 302, 120-B, 397, 201/34 of IPC. An application on 05.02.2016 seeking for recalling of the prosecution witnesses who have been examined earlier was filed by the Applicants. The Court below has vide the impugned order rejected the same for the reason that the prosecution witnesses had been examined long ago and the Applicants had sufficient time in between further at all if he intended to seek recalling of the witnesses. The Court below has also found that no sufficient ground has been assigned in the application for recalling of the witnesses in the application itself.

3. Having perused the record as well as documents attached with the present Petition what is evidently clear that the application dated 05.02.2016 preferred by the Applicants does not disclose any specific reason for the seeking recalling of the prosecution witness except for the bald averments made in the application that because there being change in counsel representing case, the subsequently engaged counsel feels it necessary to have further examination of the prosecution witnesses and for which the said application was moved.
4. Considering the total facts and circumstances of the case this Court is of the opinion that the Court below has rightly rejected the application for the reason that no strong case has been made by the Applicants either in his application or during his submissions on the basis of which the application deserves to be allowed. Further it also reflects that the prosecution witnesses have been examined long

ago. Such application should not be permitted to be entertained at the belated stage only for the reason of a change of counsel which otherwise appears to have been filed only with intention to prolong the trial.

5. The Revision Petition being devoid of merits, therefore stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE