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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 1083 of 2015**

Panchuram S/o Sonsingh Kenwat Aged About 60 Years R/o Chantipali, Tahsil Kasdol, P.S. Kasdol, Civil & Rev. Distt. Raipur (Now Balodabazar Bhatapara) Chhattisgarh.

---- Petitioner**Versus**

1. Jaitram @ Dauram S/o Bhagau Kenwat Aged About 50 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.
2. Ram Sai S/o Sukhram Kenwat Aged About 39 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.
3. Mithailal S/o Jhanglu Kenwat Aged About 37 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.
4. Khorbahra S/o Firangi Kenwat Aged About 38 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.
5. Jairam S/o Kirwari Kenwat Aged About 37 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.
6. Sukhram S/o Sukalu Kenwat Aged About 61 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.
7. Amarsingh S/o Budhu Kenwat Aged About 43 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.
8. Chhedram S/o Dulari Kenwat Aged About 47 Years R/o Village Chantipali, P.S. & Tahsil Kasdol, Civil & Rev. Distt. Raipur (Now Baloda Bazar Bhatapara), Chhattisgarh.

-----Respondents

For Petitioner:	Shri AS Rajput, Advocate.
For Respondents:	Shri Vijay K. Deshmukh, Advocate.

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

12.7.2016

1. The present Cr.M.P has been filed invoking the provisions under

Section 482 Cr.P.C challenging the order passed by the Additional Sessions Judge, Baloda Bazar in Criminal Revision No.H-35/2015 whereby the Revision Petition by the present Petitioner against the rejection of his complaint case on 13.3.2015 in Criminal Complaint Case No.562/2011 has been rejected.

2. Facts relevant for the disposal of the instant Cr.M.P are that the present Petitioner had filed a complaint case against the Respondents for the offence punishable under Sections 384, 294, 506B and 500 IPC. The said complaint was lodged on 14.1.2004 and it is said that the pleadings were complete in the instant case somewhere in the year 2009 and the matter was since then proceeded further for the evidence of the Complainant/Petitioner. For 6 long years, the Petitioner could not adduce a single witness before the Court below and the matter went on adjourning for some reason or the other and finally on 13.3.2015, there was no representation either by the counsel or the Complainant himself nor the witness were present, therefore the Trial Court i.e. JMFC, Baloda Bazar dismissed the complaint for want of prosecution.

3. Against the said order dated 13.3.2015, the present Petitioner had preferred a Revision Petition registered as Criminal Revision No.H-35/15. The revisional Court also, taking into consideration, the entire facts and circumstances of the case and also taking note of the submissions put forth by Learned Counsel for the Petitioner, found that it is a case of gross negligence on the part of the present Petitioner who, for 6 long years, have been seeking adjournment after adjournment but could not adduce single witness and therefore when the matter was fixed on 13.3.2015, there was no representation either personally or through counsel or any witness was present, the Court below dismissed the complaint. The revisional Court found that this action on the part of the Court below in dismissing the complaint to be

proper, legal and justified.

4. Learned Counsel for the Petitioner submits that the present Petitioner/Complainant has been agitating the matter since 2004 and therefore, taking into consideration the length of period that he has been prosecuting the case, the matter may be remanded back and he may be granted one opportunity for further contesting the case on merits.

5. Having considered the contentions put forth by Learned Counsel for the parties, this Court is of the opinion that the present is not a case where this Court is inclined to exercise its discretion in favour of the present Petitioner on account of the fact that it is a case where there is sheer negligence on the part of the present Petitioner in not properly conducting the trial before the Court below in as much as in spite of 6 long years, the Petitioner could not adduce a single witness.

6. In view of above, there is no infirmity or illegality by the two Courts below firstly in dismissing the case for want of prosecution and secondly, the revisional Court also in not exercising the revisional powers in favour of the present Petitioner and dismissing the Revision.

7. In the opinion of this Court, the instant Cr.M.P being devoid of merits, the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE