

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 436 of 2015**

1. P. N. G. Product Proprietor And Anr. S/o Prithvinath Sao Behind Reliance Petroal Pump, Adjacent The Domars House, Gondwara, Raipur, Tahsil & District Raipur Chhattisgarh
2. Vinod Kumar Gupta S/o Prithvi Nath Rao Proprietor, P.N.G. Product, R/o Sector-3, Shivanand Nagar, Khamtari, District Raipur Chhattisgarh

---- Applicants**Versus**

Surendra Kumar Sharma S/o Ramchand Sharma R/o Ramsagar Para,
Raipur, District Raipur Chhattisgarh

-----Non-Applicant

For Applicants:	Smt Hamida Siddique,	Advocate.
For Non-Applicant:	Shri Ankur Agrawal,	Advocate.

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

11.7.2016

1. The present Revision Petition has been preferred against the order dated 10.4.2015 passed by the 8th Additional Sessions Judge, Raipur in Criminal Appeal No.124/2014. Vide the impugned order, the Court below has rejected an application under Section 391 Cr.P.C preferred by the present Applicants. Against the order of conviction dated 30.4.2014 passed by the JMFC, Raipur in Criminal Case No.614/2012, the Applicants were sentenced to undergo SI for 1 year with compensation of Rs.20 lacs. Pending the appeal before the Court below, the present Applicants have moved an application under Section 391 Cr.P.C making a prayer for taking certain additional evidence on the basis of certain documents which they intend to rely upon as their defence. The said application was rejected by the Court below on the ground that no sufficient cause has been shown by the present Applicants

while moving the application as to the compelling circumstances under which the application is being moved. The Applicants also have not given justification as to why these documents could not have been produced during the course of the trial when these documents were admittedly in their possession all along.

2. Considering the fact that the provisions of Section 391 Cr.P.C are a discretionary jurisdiction conferred upon the Court and the Court below, while rejecting the same, has taken into consideration certain facts which could not be disputed by Learned Counsel for the Applicants and neither is there any justification or plausible explanation given by the present Applicants in support of their application under Section 391 Cr.P.C, this Court is of the opinion that the Court below has not committed any error of law or facts while rejecting the said application. The instant Criminal Revision, being devoid of merits, the same is accordingly rejected.

Sd/-

(P. Sam Koshy)

JUDGE