

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1105 of 2017**

Mohammad Gulfam S/o Mohd. Jamin Uddin, Aged About 33 Years R/o Chanmari, Near Electric Sub Station, Raigarh, Tahsil & Police Station Raigarh, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. Ajay Kumar Agrawal S/o Shri Brijmohan Agrawal, Aged About 40 Years R/o Danipara, Raigarh, Tahsil & District Raigarh, Chhattisgarh.
2. State Of Chhattisgarh, Through District Magistrate, Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For the Petitioner	: Shri Ashutosh Mishra, Advocate.
For the Respondent/State	: Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.08.2017**

1. Heard.
2. Learned counsel for the petitioner submits that he is facing trial in Complaint Case No. 919 of 2013 in the Court of Judicial Magistrate First Class, Raigarh, District Raigarh. The case was posted for defence evidence. The trial Court closed the opportunity of producing defence evidence by order dated 23.5.2017. The petitioner moved to the Sessions Court by Criminal Revision No. 64 of 2017 which was decided vide order dated 27.7.2017 by the First Additional Sessions Judge, Raigarh, District Raigarh and it is rejected. Hence, this petition.
3. It is submitted that non-appearance of the petitioner/ defence witnesses on the date of hearing was due to reasonable cause, even then

his opportunity has been closed by the trial Court and the order has been affirmed by the Revisional Court, hence, one more opportunity may be granted to the petitioner for adducing evidence in defence.

4. Learned State counsel has opposed the submissions made and the grounds raised in the petition under Section 482 of the Code of Criminal Procedure.

5. Perused the record.

6. After due consideration, it appears that the petitioner should be afforded one more opportunity for producing evidence in defence in the interest of justice and for the purpose of proper adjudication of the case before the trial Court. Hence, on this basis, this petition is allowed at the motion stage. The order passed by the trial Court and the Revisional Court below are hereby set aside and it is directed that the petitioner be afforded opportunity for adducing evidence in defence. In case the defence evidence is not completed within a period of two months from the date of receipt of the copy of this order, then the trial Court shall be at liberty to consider and close the opportunity of the defence evidence.

7. Accordingly, this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge