

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1201 of 2017**

1. Smt. Rajani Bai, aged about 70 years W/o Shri Basant Lal Katela House wife, Resident of Civil Line, Raipur (C.G) 492001, Police Station- Civil Line, Revenue Tahsil & District- Raipur (C.G).
2. Praveeen Katela, aged about 45 years, S/o Shri Basant Lal Katela, Resident of Civil Line, Raipur (C.G) 492001, Police Station- Civil Line, Revenue Tahsil & District- Raipur (C.G).

---- Petitioners**Versus**

1. State of Chhattisgarh, Through: Station House Incharge, Police Station- Kotwali Raipur.492001 Revenue Tahsil & District- Raipur (C.G).
2. Parasmal Bhansali S/o Chandanmal Bhansali.
3. Mukesh Kumar Bhansali S/o Parasmal Bhansali.
4. Rajendra Kumar Bhansali S/o Parasmal Bhansali, ALL R-2, Residents of: Malviya Road Raipur -492001. PS-Kotwali, Revenue Tahsil & District- Raipur (C.G).
5. Dharamchand Bhansali S/o Mohan Lal Bhansali, R/o Halwai Line. PS- Kotwali, Revenue Tahsil & District- Raipur (C.G).
6. Shivraj Bhansali S/o Mohan Lal Bhansali, R/o Halwai Line. PS- Kotwali, Revenue Tahsil & District- Raipur (C.G).
7. Subhashis Jain S/o Late Shri Parasmal Jain, R/o Bairan Bazar, PS- Civil Line, Raipur-492001, Tahsil & District- Raipur (C.G).
8. Sunil Soni S/o Kanwarlal Soni R/o Sunder Nagar/ Shailendra Nagar, Raipur -492001 PS- Sunder Nagar, Tahsil & District- Raipur (C.G).

---- Respondents

For the Petitioners : Shri V.G. Tamaskar, Advocate.

For the Respondent No.1./ State : Shri Neeraj Sharma, D.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****07.09.2017**

1. Heard.
2. This petition has been brought with prayer for issuance of direction.
3. It is submitted that Cr.Case. No.338/10 is pending before the Court of JMFC, Raipur. The prosecution evidence in this case was closed on 18.05.16. Prosecution presented an application under Section 311 of Cr.P.C praying to reopen the prosecution case for examination of the witnesses i.e., the complainant and the Investigation Officers in this case. The trial Court partly allowed this application on 20.05.2016 for examination of the complainant, but denied permission to reopen the prosecution case for examination of Investigation Officers in this case. It is further submitted that the revision was preferred before the Sessions Judge Raipur, but the same was withdrawn, hence, the revision was dismissed by order dated 24.08.2017 by the Sessions Court. Hence, this petition.
4. Learned counsel for the State/respondent No.1 submits the case may be disposed with direction.
5. I have heard the learned counsel for the parties and perused all the document placed on record.
6. As it appears that examination of prosecution witnesses, who are essential for the case namely complainant and the Investigation Officers has not taken place in this case concerned and the trial Court has although allowed the application of prosecution to reopen the case for recording of evidence of prosecution witnesses only to a limited extent for examination of the complainant herself, whereas, the examination of Investigation Officers in this case is also essential. Hence, looking to facts and

circumstances in this case and for necessity of proper adjudication, there is requirement of issuance of some directions in this case. Hence, this petition is allowed at the motion stage.

7. The order dated 20.05.2016 passed by the trial Court is interfered to the extent by which the permission to examine the Investigation Officer in this case was denied and that part of the order is set aside and the trial Court is directed to summon the Investigation Officers in this case as well and examine them as witnesses, thereafter, proceed with the case in accordance with the law.

8. This petition stands disposed off.

9. C.C.today.

Sd /-

(Rajendra Chandra Singh Samant)

Judge