

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION No. 26 of 2017

1. Shyam Lal Anant, S/o. Shri Mohan Lal Anant, aged about 58 years, R/o. Quarter No.09 M 459 Ompur Colony Rajgamar, Police Outpost – Rajgamar, P.S. - Kotwali Korba, Civil and Revenue District – Korba (C.G.)

----Petitioner

Versus

1. State of Chhattisgarh, Through : the District Magistrate, Korba, District- Korba (C.G.)

---- Respondents

For Petitioner : Mr. Sunil Sahu, Advocate

For State/Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/01/2017

1. With the consent of the learned counsel appearing on behalf of the parties, the matter is heard finally.
2. This criminal revision is directed against the order dated 24.12.2016, passed in Special Sessions Trial No.01/2015, passed by the learned Special Judge (Prevention of Corruption) Act, Korba, District -Korba (C.G.), whereby the application filed by the accused/petitioner under Section 311 of Cr.P.C. has been dismissed.
3. Learned counsel for the petitioner would submit that the documents, which is Bikri Chhant Nakal Pritivedan was confronted

to the prosecution witness (PW-4) during his cross-examination, the document was admitted, however, the said document could not be placed or exhibited. Subsequently, when the document was placed, it was admitted by an order dated 15.12.2016, however, the same could not be exhibited due to mistake of the counsel and in absence of that document, the right of petitioner shall be seriously prejudiced.

4. Perused the order dated 15.12.2016 and 24.12.2016. The document styled as "Bikri Chhant Nakal" when was confronted, the order records that at para -34 of the cross-examination of Ganpat Lal Gabel (PW-4) admitted that the document was received on the date as was scribed. Subsequently, the document when was placed on record it was admitted. Thereafter, the petitioner had filed an application under Section 311 of Cr.P.C. and the said application was dismissed on the ground that neither certified copy of the said document is on record nor the original is produced as such the application was dismissed.
5. Perusal of the order dated 15.12.2016 would show that the document which was confronted during the course of cross-examination was admitted and subsequently was admitted on record when was placed. Only limited prayer is made before this Court to exhibit the said document.
6. I have gone through the order dated 24.12.2016. The Court has recorded that the documents are admitted to the record. The said document is not the part of the petition in this case. In order to give

complete opportunity to the petitioner, the application filed under Section 311 of Cr.P.C. is allowed and it is directed that P.W.-4, Ganpat Lal Gabel be called for to mark exhibit on the document, which has been admitted as a part of record.

7. It is made clear that this Court has not made any observation about the admissibility of the documents and the trial Court shall decide the same during the course of trial.
8. Consequently, the revision petition stands allowed.

Sd/-
(Goutam Bhaduri)
Judge