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HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 415 of 2017

Smt. Manju Mishra W/o Late Shri Krishna Kumar Mishra, Aged
About 73 Years R/o Behind Telephone Exchange Sundernagar,
District Raipur Chhattisgarh ---- **Petitioner**

Versus

1. Ram Kumar Mishra S/o Late Ram Jiwan Mishra, Aged About 78
Years R/o Village Urla Tahsil Abhanpur, District Raipur
Chhattisgarh
2. Dinbandhu Mishra, S/o Late Ram Kumar Mishra, Aged About 52
Years R/o Village Urla Tahsil Abhanpur, District Raipur
Chhattisgarh
3. Sanjay Mishra, S/o Late Ram Kumar Mishra, Aged About 43
Years R/o Village Urla Tahsil Abhanpur, District Raipur
Chhattisgarh
4. Pramod Mishra, S/o Late Ram Kumar Mishra, Aged About 40
Years R/o Village Urla Tahsil Abhanpur, District Raipur
Chhattisgarh
5. State Of Chhattisgarh Through Station House Officer Police
Station Abhanpur, District Raipur Chhattisgarh ---- **Respondents**

For Petitioner	:	Ms. Deepali Pandey, Advocate.
For State	:	Mr. Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/03/2017

This petition, under Section 482 of Cr.P.C., is directed against order dated 13.02.2017 by which, the order rejecting petitioner's application for assisting prosecution passed by the trial Court has been affirmed in revision.

2. Learned counsel for the petitioner submits that the manner in which, the prosecution is contesting the matter in trial and that one accused Sanjay Mishra, who was later on, made accused was granted bail, the petitioner pressed her application for assisting prosecution because according to the petitioner, the prosecution has not been able to

put forth the case as effectively as it ought to have been done.

3. After going through the order passed by the Court below, I find that the petitioner, at one point of time way back in the year 2001, had moved an application for assistance to prosecution, which were never pressed for one and half decades. Almost, at the verge of completion of trial in the alleged commission of offence under Section 294, 323, 506/34 IPC, the petitioner sought prayer for assisting prosecution. In my opinion, in these circumstances, the prayer has been rightly rejected and it does not warrant any interference because rejection of petitioner's application has not resulted in miscarriage of justice.

4. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E