

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 584 of 2017**

Subhash Dighraskar, Managing Director of Firm M/s Radhakrishna Association, aged about 71 years, son of Late Shri Balkrishnan Dighraskar, resident of Shiv Hanuman Temple, Tilak Nagar, Bilaspur (C.G.) ..Accused

---- **Petitioner****Versus**

Smt. G. Nirmala, wife of late Shri G. Raghupati, aged about 60 years, resident of Chandan Awas, 1/A, Rajkishore Nagar, Bilaspur, District- Bilaspur (C.G.)

---- **Respondent**

For Petitioner: Mr. K.K. Singh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/05/2017**

(1) The trial Court has rejected the application filed under Section 311 of the Code of Criminal Procedure (henceforth 'Cr.P.C.") and thereby declined to call the complainant for re-examination. The revisional Court has upheld that order, against which, instant petition under Section 482 Cr.P.C. has been filed questioning the same.

(2) Mr. Singh, learned counsel appearing for the petitioner relying on the decision of this Court in the matter of **Chamandas Vs. State of C.G. & another**¹ would submit that re-examination of complainant is absolutely necessary as she could not cross examine effectively in absence of his counsel.

1 2014(3) C.G.L.J.275

(3) I have heard learned appearing of the petitioner and gone through the order impugned with utmost circumspection.

(4) The complainant was examined on 14.06.2016. The petitioner/accused cross-examined extensively on that date. He did seek time to cross examine her and thereafter filed an application for reexamination/further cross examination, which has been rejected by the trial Court and upheld by revisional court. The petitioner himself is a practicing Advocate. The trial Court having seized of matter did not think it appropriate to grant that application thereby declined to exercise jurisdiction in favour of petitioner. The Revisional Court has also given sufficient reasons to uphold that order.

(5) The order passed by trial Court is a discretionary order, in which, I do not find any jurisdictional error warranting interference in this petition filed under Section 482 of the Cr.P.C..

(6) Accordingly, the criminal misc. petition is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-