

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 464 of 2017

Ashok Kumar Dwivedi S/o Chunnulal Dwivedi, Aged About 64 Years
R/o M.P.E.B. Darri District Bilaspur, Present District Korba,
Chhattisgarh. Present Resident Of New Colony Chatarpur, District
Chatarpur, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Station In Charge Police Station
Darri, District Korba, Chhattisgarh.

---- Respondent

For applicant - Shri Rajeev Bharat, Advocate.
For Respondent/State – Shri Ramakant Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/06/2017

1. Heard on petition as also on application for condonation of delay in filing the revision.
2. Instant petition is against the order dated 6/01/2017 whereby the application preferred by the applicant to issue summons to the defence witnesses which were numbered in 50 were refused on the ground that no reason has been assigned on which issue the applicant want to adduce evidence.
3. Learned counsel for the applicant would submit that as per section 233 sub-section 3 of Cr.P.C. evidence of the person enlisted are necessary and since the applicant has worked in said offices at different point of time, the evidence would be required. It is stated consequently if it is not allowed the applicant will suffer irreparable loss and his valuable right to defence would be defeated.
4. Perusal of the order sheet would show that evidence of the prosecution was closed earlier and the case is pending adjudication from

1996. There is no reason was assigned as to why and on what issue the applicant want to examine the witnesses but general list containing names of 50 witnesses were shown. The list purports that 50 witnesses who are from Kalyan (Maharashtra), Satna (M.P.), Panna (M.P.), Nagpur (Maharashtra), Korba, Chatarpur, Ujjain, Bhopal, Jabalpur, Raipur etc. No reason has been assigned why evidence of witnesses would be required. The prima facie the bonafide has to be shown for and necessity for examination of the witness. Trial court has dismissed the petition on the ground that no reason has been assigned and it is observed that application has been filed only to protract and delay the trial. Perusal of the order would that in W.P. (Cr.) No. 107/2016 in between A.K. Dwivedi Vs. State of C.G. wherein this court has ordered for conclusion of the trial within five months from 28/04/2016. Consequently, taking into totality I do not find any illegality or perversity in the order and also the delay in filing the revision is also not been explained properly.

5. Consequently, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE