

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No.709 of 2015**

Pawan Kumar Chauhan, S/o Shri Kartik Ram Chauhan, aged about 23 years, R/o Dehjari, Thana Kharsia District (CG).

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

State of Chhattisgarh through the Station House Officer, Chaal, District Raigarh (CG).

**--- Respondent**

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For Petitioner : Mr. N.K. Malaviya, Advocate  
For State : Mr. Prasun Bhaduri, Govt. Advocate

**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order On Board**

**11/04/2017**

(1) Learned counsel appearing for the petitioner would submit that Dr. B.L. Bhagat, Mr. Jwakim Lakra and Mr. M.R. Ratre have been examined before the trial Court on 07.02.2015 and the petitioner's application under Section 309 of Cr.P.C. has been rejected. He would further submit that he may be permitted to make an application for recall of those witnesses for their examination as they have not been effectively examined before the trial Court.

(2) Prayer appears to be fair and reasonable.

(3) Accordingly, the petitioner is permitted to make an application for recalling the above-stated witnesses before the

trial Court. If such an application is filed by the petitioner before the trial Court, the trial Court would do well and decide the same in accordance with law expeditiously from the date of receipt of application of the petitioner. It is made clear that this Court has not expressed any opinion on the merits of the matter.

**(4)** With the aforesaid observation, the petition stands finally disposed of. No order as to cost(s).

Sd/-

**(Sanjay K. Agrawal)**  
Judge

L/-