

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 706 of 2017**

- Dushyant Kumar Tiwari S/o Late Shri Tribhuwan Prasad Tiwari Aged About 40 Years R/o Village Bodhtara, Tehsil Bhatapara, Station House Officer Bhatapara Rural, Civil And Revenue District-Baloda Bazar- Bhatapara, Chhattisgarh, (Complainant).

----Revisioner/ Applicant**Versus**

- Sunil Kumar Chandel S/o Balaram Chandel R/o Naipara Ward Bhatapara, Station House Officer Bhatapara City, Tehsil Bhatapara, District- Baloda Bazar-Bhatapara, Chhattisgarh.

-Respondent

For Revisioner/applicant	: Shri P.P. Sahu and Shri R.K. Pali, Advocates
For Respondent	:None (As per office note, notice issued to the respondent has been returned unserved with note "refused")

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****10.11.2017**

1. Heard on admission.
2. This revision is preferred against the order dated 22.6.2017 passed by the Additional Sessions Judge, Bhatapara, Sessions Division, Baloda Bazar - Bhatapara (CG) in Cr. Appeal No. H-29/2015, wherein the said Court had rejected the application filed by the revisioner/applicant under Section 391 Cr.P.C.
3. One Criminal Complaint bearing No. S-1128/2014 was filed before the Judicial Magistrate First Class, Bhatapara, District Baloda Bazar (CG) under Section 138 of the Negotiable Instruments Act, 1881, in which, one stamp regarding compromise between the

parties dated 24.1.2013 was filed. The Court of Magistrate decided the matter and then it came up in appeal before the Additional Sessions Judge, Bhatapara. In appeal, an application was filed under Section 391 Cr.P.C. that the Stamp Vendor, Shashikant Agrawal has sold the said stamp on 24.1.2013 and therefore, his evidence is necessary and permission was sought for additional evidence.

4. The core issue for decision of this revision is that whether the evidence of Stamp Vendor is necessary for just decision of the case.

5. An agreement for compromise was written between the parties on the said stamp and both the parties namely- Sunil Kumar Chandel and Dushyant Kumar Tiwari have signed the document and one Jitendra Sharma has signed as a witness. For the said agreement only these three witnesses can prove the factum of compromise. Shashikant Agrawal is a Stamp Vendor, he has only sold the said stamp and he is regularly selling the stamps to various persons. The seller of stamp cannot be a necessary witness regarding terms of compromise and as he was not the witness of the compromise, his evidence was not necessary.

6. Order of the trial Court does not show any irregularity or illegality warranting any interference by this court. Thus, the revision being devoid of merits is liable to be and is hereby dismissed at the motion stage itself.

Sd/-
(Ram Prasanna Sharma)
JUDGE