

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 913 of 2017**

- Bulak S/o Pannalal Aged About 30 Years Caste Nutt, R/o Village-Bargaon, Tehsil and Police Station Pamgarh, District Janjgir Chmapha, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through : District Magistrate, District-Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner
For Respondent

Shri Lalit Jangde, Advocate
Shri A. S. Pandey, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/08/2017**

1. Heard.
2. Petition has been brought under Section 482 of the Cr.P.C. with prayer to quash the order passed by the trial Court and pass order for re-examination of the prosecutrix (PW-1) and translator Ramayan Kurre (PW-2) before the trial Court.
3. It is submitted by the learned counsel for the petitioner that the prosecutrix is deaf and dumb. She was examined before the court below with the help of Ramayan Kurre (PW-2). Ramayan Kurre (PW-2) has admitted in cross examination that the

prosecutrix is illiterate, hence for these reasons, she could not understand properly the signs given by him. Therefore, the application under Section 311 of the Cr.P.C. was moved before the trial Court, which has been rejected by the impugned order.

4. Learned State counsel has opposed the petition and the submission made in this respect. It is submitted that the application under Section 311 of the Cr.P.C. is simply for re-examination without assigning any reason that the examination of prosecutrix is incomplete, whereas on perusal of the statement of prosecutrix and Ramayan Kurre, it appears that the counsel for the defence has availed the opportunity to cross examine these witnesses in full and hence there is no scope for re-examination of these witnesses.
5. Heard counsel for both the parties and perused all the documents and record.
6. After due consideration, it appears from the statement of prosecutrix and Ramayan Kurre that the evidence of both the witnesses were recorded completely and there is no note on the deposition to show that the examination of the witnesses is incomplete. It is raised for the first time before this Court that Ramayan Kurre (PW-2) has stated that the prosecutrix could not understand properly the sign language. This submission cannot be taken as it is, because Ramayan Kuree has further denied in cross examination the suggestion that prosecutrix has not given her statement on the basis of sign language and also denied that he has falsely certified the statement of the prosecutrix. Hence,

this piece of evidence can be made use of by the petitioner while submitting final argument before the trial Court. It leaves for no requirement of examination of the witnesses as prayed for.

7. Accordingly, the petition being devoid of merits, it deserves to be and is hereby dismissed at the motion stage.

Sd/-
Rajendra Chandra Singh Samant
Judge

Nirala