

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1022 of 2017**

1. B.L.Panthi (Bhaiyyalal Panthi) S/o Shri Basori Lal Panthi, Aged About 74 Years R/o Massenent 16, Shankar Nagar, Raipur, The Then Assistant Commissioner, Commercial Tax, Durg, Chhattisgarh. Presently Assistant Commissioner, Sales Tax Satna, Madhya Pradesh. Permanent Address Gadakota, District Sagar, Madhya Pradesh.
2. Smt. Champadevi Panthi W/o Shri B.L. Panthi, R/o Massenet 18 Shankar Nagar, Raipur, District Raipur, Chhattisgarh.

---- Petitioners**Versus**

- State Of Chhattisgarh Through State Economic Offence Investigation Bureau, Raipur, Chhattisgarh.

---- Respondent

For Petitioner : Smt. Fouziya Mirza, Advocate.

For Respondent/State : Shri Neeraj Sharma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/08/2017**

Heard.

1. **Admit.**
2. Learned counsel for the petitioner submits that he is facing trial before the Court of Special Judge/First Additional Sessions Judge, Raipur in Special Sessions Trial No.06/2002 for offence under Section 13(1)(e) and 13(2) of Prevention of Corruption Act and under Sections 109, 467, 468 & 471 of Indian Penal Code (for short 'IPC'). After the closure of prosecution evidence on 31.1.2017, petitioner was afforded opportunity for producing witnesses in defence. He wanted to examine. S.K. Saha,

whom was present before the Court on 20.6.2017, but the Presiding Officer of the Court was on leave, hence, the case was adjourned for the day. Thereafter, the case was fixed for hearing on 31.7.2017 with a direction that it would be last opportunity for adducing evidence for defence. Unfortunately, the witness S.K. Saha could not be served with notice as he had changed his address. The trial Court has without affording opportunity to the petitioner to provide new and fresh address of the witness has arbitrarily closed the opportunity for defence. Hence, this petition.

3. Learned counsel for the State submits that the trial Court has given ample opportunity to the petitioner, hence, there is no need for interference.
4. Both the parties are heard and perused the documents on record.
5. As per submissions made by counsel for the petitioner, it appears that the witness proposed to be examined by the petitioner is resident of M.P., Bhopal, and that petitioner has acquired information about the new address of the proposed witness, hence, a reasonable opportunity may be given to the petitioner for examination of witness in defence.
6. Considering the facts and circumstances in this case and the submissions made by the counsel for petitioner, this petition is allowed at the motion stage.
7. The order dated 31.7.2107 passed by the trial Court closing evidence of defence, is hereby set aside and trial Court is directed to afford additional opportunity to the petitioner for production of evidence for defence giving reasonable time for the next date of hearing so that the notice issued is served to the witness.
8. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE