

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 800 of 2017

- Chandresh Sahu S/o Shri Shivram Sahu, Aged About 45 Years Formal Tahsildar, Tahsil Durg, Present Tahsildar, Bagbahra, District Mahasamund (C.G.), (At Present At District Kawardha), Permanent Address Village Hardi, Police Station Gariyaband, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: The Superintendent of Police, Anti Corruption Bureau, Raipur, Chhattisgarh.

---- Respondent

For Revisioner	:	Shri TK Tiwari, Advocate
For Respondent-State	:	Shri SK Mishra, PL for the State.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/08/2017

1. This revision is against the order dated 29.07.2017 whereby the right to cross-examine the witness of the prosecution was closed by the court below.
2. Learned counsel for the applicant submits that on that date the counsel who was cross-examining the witness suffered with viral fever and could not appear. A medical report in support of the same has been placed. He would also submit that if his right of cross-examining is closed then the accused will suffer irreparable loss, which cannot be rectified, therefore, one opportunity may be granted to the applicant to cross-examine the witness.
3. Perused the order-sheet and the documents filed along with the revision. The order-sheet would show that on 29.07.2017 an application was filed by the junior counsel Shri SK Mishra that the main advocate Shri TK Tiwari was

indisposed, therefore, he could not appear, as such a date may be given for cross-examine. Perusal of the order-sheet along with the medical certificate dated 28.07.2017 of consulting physician and cardiologist, Ex. Specialist In-charge (Medicine) Main Hospital, Sector-9, Bhilai, prima facie shows that the counsel was indisposed and perusal of the order-sheet also shows that the case was fixed on 25.08.2017 and 26.08.2017 for examination of two witnesses.

4. Considering the background and facts of the case and in the interest of justice one opportunity is granted to the applicant to cross-examine the witness Manohar Gyanchandani. Consequently, the State counsel is directed to inform by way of urgent communication that the prosecution shall procure the attendance of Manohar Gyanchandani on 25.08.2017 and 26.08.2017 as on the said dates the case is fixed for evidence. On that date the applicant shall cross-examine the witness as also other witnesses and in absence of the Advocate, the applicant may make the suitable alternative arrangement. With such observation, the revision is disposed of.

Sd/-

Goutam Bhaduri

Judge

Ashu