

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1104 of 2017**

1. Kartik S/o Sher Singh Aged About 66 Years,
2. Bhagwat, S/o Kedar, aged about 26 years,
3. Heeralal, S/o Kedar, aged about 23 years,
4. Smt. Kanti Bai, Wd/o Kedar, aged about 64 years,

All by Occupation- Agriculturist, Caste Lodhi, R/o Village Paleni, Police Station Thankhamhariya, District Bemetara, Chhattisgarh.

---- Petitioners

Versus

1. Bishalik S/o Shear Singh Aged About 70 years,
2. Takhatram, S/o Bisalik, aged about 41 years,
3. Manharan, S/o Bisalik, aged about 35 years,

All by Caste Lodhi, Occupation- Agriculturist, R/o Village Paleni, Police Station Thankhamhariya, District Bemetara, Chhattisgarh.

4. The State of Chhattisgarh, through the District Magistrate, Bemetara, District Bemetara, Chhattisgarh, police station Thankhamhariya, District Bemetara, Chhattisgarh.

---- Respondents

For the Petitioners	: Shri P.P. Sahu and Shri Rajkumar Pali, Advocates.
For the Respondent/State	: Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

24.08.2017

1. Heard.
2. Learned counsel for the petitioners pray that the proceedings under Section 145 of the Code of Criminal Procedure are pending before the Court of Sub-Divisional Magistrate, Saja, District Bemetara, in which the petitioners who happen to be party No.1 filed an application with a prayer to record the evidence of party No.2, before recording of the evidence of party No.1, the application was rejected by SDM, Saja. Criminal Revision No. 2200016 of

2016 was preferred before the Court of Additional Sessions Judge, Bemetara, which has been rejected by order dated 11.7.2017. Hence, this petition.

3. Learned State counsel has opposed the submissions and arguments made on behalf of the petitioners at the admission stage.

5. Perused the record.

6. It is clear from the documents submitted on record that the petitioners have been afforded opportunity to adduce evidence as being party No.1 in this case. The submission that both the parties belong to the same family tree, as such, at the most, one opportunity can be given to the petitioners to make a prayer before the Court of SDM, Saja to reserve his rights to produce evidence in rebuttal after the recording the evidence of party No.2.

7. With the aforesaid observations, this petition is dismissed at the admission stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge