

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1320 of 2017**

Smt. Sarita Shrivastava W/o Ganesh Shrivastava, Aged About 48 Years R/o Bajrang Nagar, Amapara, P.S. Saraswati Nagar, Raipur, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Urvashi Thakur W/o Late Ramswaroop Thakur, Aged About 56 Years R/o Santoshi Nagar, Tikrapara, Raipur, P.S. Tikrapara, Raipur, District Raipur, Chhattisgarh, Present Address- Q.No.83, Worker Colony, Baikunth Cement Plant, Chowki Baikunthpur, Thana Nevra, District Raipur, Chhattisgarh

Present Correct Address- C/o Vijay Singh Thakur, Front Of Ramesh Kirana Store, Shivaji Chowk, Maszid Road, Tikrapara, P.S. Tikrapara, Raipur, District Raipur, Chhattisgarh

2. State Of Chhattisgarh, Through District Magistrate, Raipur, District Raipur, Chhattisgarh

---- Respondents

For the Petitioner : Shri Shrawan Agrawal, Advocate.
For Respondent No.2/ State : Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.10.2017**

1. Heard.
2. This petition has been brought by the petitioner under Section 482 of the Code of Criminal Procedure with a prayer to quash the complaint against the petitioner and to pass an order of his acquittal.
3. It is submitted by counsel for the petitioner that the petitioner is accused in Criminal Case No. 238 of 2013 pending before the Court of Judicial Magistrate First Class, Raipur. Respondent No.1 – Smt. Urvashi Thakur, complainant in the case was examined on 5.8.2010. The Presiding

Officer of the Court on that date was Smt. S. Pal who recorded her statement and exhibit marks were put on the documents confronted to the witness and exhibited. Presently, Smt. Rashmi Netam is posted as Presiding Officer in the same Court. The documents (Annexure-P/3) vide Ex. P/1 to P/6 showing the endorsement dated 5.8.2010 have been signed antedated by the present Presiding Officer of the Court. Hence, it is prayed that a direction be issued to the Court below to call the parties in person before the Court and rectify the mistake committed while signing the documents antedated.

4. Learned counsel for the State/ respondent No.2 submits that in this case the State is a formal party as the case against the petitioner is a private complaint.

5. Heard learned counsel for the parties and perused the documents on record.

6. On perusal of the documents on record, it appears that the statement of complainant/ Respondent No.1 was recorded on 5.8.2010 and she was confronted with the documents Ex. P/1 to P/6 which is mentioned in her statement and the statement is signed by the Presiding Officer posted at that time. On perusal of the documents in Annexure- P/3, namely, Ex. P/1 to P/6 the endorsement marking exhibits, it is clear that they are dated 5.8.2010, but the signatures of the Presiding Officer are not of the same officer posted on 5.8.2010. Hence, this is a mistake committed by the Presiding Officer of the Court without verifying the documents about the date of their exhibition.

It appears that the documents were not put up for signature before the same Presiding Officer by the reader of the Court and the same were put up before the Presiding Officer who has joined later. Any Presiding Officer has authority to put signature on exhibited documents on a later date, but in that case specific date of putting signature has to be mentioned to show it clearly that the exhibits were not signed on the same date. Though it is a mistake but it does not cause any prejudice or cannot be regarded as any illegality. At the most, it can be regarded as an irregularity committed by the Court below which can be rectified.

7. In view of above, this petition is disposed off with a direction to the trial Court to rectify the mistake committed by putting a note mentioning the date on which the signatures were affixed by the concerned Presiding Officer. Learned counsel for the parties shall have liberty to request the Court to ask for presence of the witness before putting the note on the documents concerned.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Balram