

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 1065 of 2017**

- Smt. Sunita Saluja W/o Late Shri Jashwant Saluja Aged About 42 Years R/o Lawan Road Baloda Bazar, Tahsil Balodabazar, District Baloda Bazar Bhatapara Chhattisgarh ( Complainant )

**---- Applicant****Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station Palari, Baloda, District Baloda Bazar Bhatapara, (Chhattisgarh)
2. State Of Chhattisgarh Through Station House Officer, Police Station Palari, Baloda, District Baloda Bazar Bhatapara, (Chhattisgarh)
3. Deeraj Markam, S/o Shri Rohit Markam, Aged About 40 Years R/o Utai, P. S. Utai, Tahsil District Durg Chhattisgarh, At Present Inspector, Police Station Baloda Bazar Chhattisgarh ( Accused )
4. Sandeep Singh S/o Shri K. S. Thakur, Aged About 35 Years R/o Behind The Old Collector Office, Ward No. 17, Janjgir, District Janjgir Champa Chhattisgarh. At Present Trainer Sub Inspector, Police Station Baloda Bazar Chhattisgarh ( Accused )
5. Ku. Leela Sahu, R/o Sasha, P. S. Palari, District Baloda Bazar At Present Women Constable No. 492, Police Station Baloda Bazar Chhattisgarh ( Accused )

**---- Non Revisioners/Respondents**


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| For Revisioner/applicant | : Shri Prakash Tiwari, Advocate    |
| For Respondent/ State    | : Shri Anil Pandey, Govt. Advocate |

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**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****20.11.2017**

1. Heard on admission.
2. This revision is preferred against the order dated 3.11.2017 passed by the 2<sup>nd</sup> Additional Sessions Baloda Bazar, Sessions Division, Baloda Bazar (CG) in ST No. 57/2017 (State of CG Vs.

Dheeraj Markam & Ors.) wherein the said Court has dismissed the application of the applicant/revisoner under Section 302 Cr.P.C. for allowing pleader of the complainant to assist in prosecution and again not allowing application under Section 173 (8) Cr.P.C. for recording statements of the witnesses by any gazetted officer and videographed the same.

3. I have heard learned counsel for the parties and perused the record.

4. So far as allowing pleader of the complainant to assist the prosecution is concerned, Section 301 (2) Cr.P.C. provides that in any case, any private person instructs a pleader to prosecute the said pleader can act under the direction of the Public Prosecutor and with the permission of the Court, submit written arguments. This provision is aid to the provision of conduction of Sessions Trial by the Public Prosecutor and when the party is vigilant and ask for allowing a pleader to assist in prosecution, the same should not be rejected.

5. It is directed that the trial Court shall allow the pleader instructed by the complainant to act under the direction of Public Prosecutor. So far as recording of statement under Section 161 Cr.P.C. by any gazetted officer is concerned, the charge sheet has already been filed before the Court and statements of the witnesses have already been recorded and there is no such provision for recording statements of the witnesses twice by any gazetted officer.

If the complainant thinks that the version of the witness is not properly recorded, she has recourse to file complaint under Section 200 Cr.P.C. and in that case evidence of the witnesses may be recorded as there is no provision after filing of the charge sheet for recording statement under Section 161 Cr.P.C. because such recording is a part of investigation and the investigation is over in the matter. Therefore, the revision on this count is liable to be and is hereby dismissed. However, the trial Court is directed to allow the pleader of the complainant to act under the Public Prosecutor.

**6.** The revision stands disposed of at the motion stage itself.

Sd/

**(Ram Prasanna Sharma)**

**JUDGE**