

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 47 of 2017

- Vijay Kumar Nishad S/o Budhlal Nishad, Aged About 36 Years
R/o Village Kailashgarh, Police Station Lavan (Kasdol) District
Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police
Kasdol District Baloda Bazar Bhatapara Chhattisgarh
2. Chandra Kumar @ Chande Rajak @ Chandu, S/o Kankar Singh,
Aged About 28 Years R/o Kasdol, Police Station Kailashgarh,
Out Post Lavan, District Baloda Bazar Bhatapara
Chhattisgarh Accused

---- Respondent

For Applicant	Mr. Suresh Kumar Verma, Advocate
For Respondent /State	Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/1/2017

1. Heard.
2. The trial Court has rejected the applicant/complainant's
application under Section 311 of Cr.P.C. for re-examination of
all the prosecution witnesses.
3. Respondent No.2 has been charged for committing murder of
the wife of the applicant. In the trial against respondent No.2,
the important prosecution witnesses including the applicant
have already been examined. After closure of their examination,

the applicant has moved the subject application on 15.12.2016 with a new story that respondent No.2 has committed murder at the instance of his elder brother Dashrath Rajak and his sister-in-law Manbai. For this basis, the applicant is seeking introduction of a complaint, moved before the concerned Superintendent of Police after lodging of the FIR, before the trial Court.

4. It is strange that if the subject application was presented to the Superintendent of Police before submission of charge sheet, why the applicant did not produce it before the police at the opportune time. It is not the case of the applicant that he or his witnesses could not depose the true facts before the trial Court under duress from the other side.
5. The present is not a civil litigation where the complainant/prosecution witnesses can walk in before the trial Court at any stage and seek their re-examination on the basis of some self-serving application before the Superintendent of Police, which was not available at the time of lodging of the FIR. It may also be a device to protract the trial.
6. For the foregoing, no case for exercising jurisdiction under Section 397 of Cr.P.C. is made out. The trial Court has rightly rejected the application.
7. The Civil Revision is according dismissed. Sd/-

Judge

(Prashant Kumar Mishra)