

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 85 of 2017**

- Man Mohan Das Mahanand (Wrongly mentioned the name of the accused as Manohar Das in the rejection order), S/o Late Devidas Mahanand, Aged About 53 Years , Working As Assistant Grade-II, Office Of Block Development Education Officer, Bilaigarh, District- Raipur, Chhattisgarh, At Present District- Balodabazar- Bhatapara, Chhattisgarh, R/o Village- Pouni, Post Office, Police Station & Tahsil- Bilaigarh, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through The District Magistrate, Balodabazar- Bhatapara, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner	Shri Shivendu Pandya, Advocate
For Respondent-State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/01/2017**

1. The trial Court has closed the petitioner's right to cross-examine the witness Shri D. K. Shrivastava, who was examined before the trial Court on 22.11.2016.
2. Trial against the petitioner for offences under Sections 7, 13 (1) (d) & 13 (2) of Prevention of Corruption Act, 1988 is

pending consideration since 2012. On the relevant date, the petitioner moved application for adjournment on the ground that the son of the senior counsel has suffered fracture, therefore, the senior counsel has not come from Raipur to attend the hearing. The trial Court has observed that the application lacks in material particulars as to when the counsel's son has suffered fracture and what was the need for the counsel to attend his son and on these grounds the application has been rejected.

3. Having perused the papers, it would appear that the witness Shri D. K. Shrivastava, son of Late Shri C. P. Shrivastava, the retired Commercial Tax Officer, resident of 27/327, Near Gomti Industry, Shankar Nagar, Raipur, was not appearing before the trial Court for last many hearings. The witness appears to be an important panch witness during the trap proceedings, if the petitioner is not allowed to cross-examine the witness, he may suffer irreparably. However, at the same time, the witness being a retired officer, his presence is to be ensured by treating him properly, therefore, the petition is disposed of with a direction that if the petitioner deposits cost of Rs.5,000/- in form of bank draft payable to witness Shri D. K. Shrivastava, retired Commercial Tax Officer, before the trial Court within a period of 10 days from today, the trial Court shall fix a date for cross-examination of the said witness and allow the petitioner to cross-examine

him. In the summons issued to the witness Shri D. K. Shrivastava, the trial Court shall mention that on his appearance for cross-examination, he shall be paid the cost amount of Rs.5,000/-.

4. Let the evidence of Shri D. K. Shrivastava be completed at the earliest, preferably within a period of 3 weeks from the date of submission of bank draft by the petitioner.
5. Certified copy today.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala