

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 768 of 2017**

- Chandram Sidar S/o Late Shri Vishvanath Sidar Aged About 36 Years R/o Bazar Para Near Chandidai Mandir, Chandipara Pamgarh Police Station Pamgarh, District- Janjgir- Champa, Chhattisgarh.

---- Petitioner**Versus**

- Sanat Kumar Kashyap S/o Mohit Kumar Kashyap Aged About 44 Years R/o Village Vyasnagar Post Baiso, Tahsil & Police Staion Pamgarh District- Janjgir, Champa, Chhattisgarh.

---- Respondent

For Petitioner : Smt. Deepali Pandey, Advocate.

For Respondent No.1/State Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/10/2017**

Heard.

1. Petition under Section 482 of Cr.P.C. has been brought with a prayer to interfere with the impugned order passed by the Sessions Judge, Bilaspur in Criminal Revision No.65 of 2017 by which the order passed by the trial Court has been affirmed.
2. It is submitted by learned counsel for the petitioner that petitioner is facing trial in connection with complaint filed by respondent under Section 138 of Negotiable Instruments Act, 1881. After recording of the evidence of the parties, petitioner could trace the cheque book from which the cheque in question was issued which is the basis of prosecution against him. Petitioner filed an application under Section 311

of Cr.P.C. for taking document on record and for calling the Branch Manager, Dena Bank, Bilaspur SHO of PS Pamgarh as a witness in defence. The said application was rejected by the trial Court and the revision preferred against the same has also been dismissed.

3. Heard the appearing counsel and the counsel for State. Private respondent in this case has not been summoned.
4. Taking into consideration the facts and circumstances of the case, particularly the fact that the trial is getting prolonged, this Court feels that it would be proper to allow the petitioner an opportunity to produce additional evidence on record for complete adjudication of the case in the interest of justice.
5. Accordingly, the petition under Section 482 of Cr.P.C. is allowed. The impugned order and the order dated 02.05.2017 rejecting the application filed under Section 311 of Cr.P.C. are set aside. Trial Court is directed to afford an opportunity to the petitioner to produce the documents and call any one of the witnesses, either the Bank Manager or the Police officer for recording of statement in defence.
6. The petition is, accordingly disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE