

HIGH COURT OF CHHATTISGARH, BILASPUR

TPCR No. 1 of 2018

1. Chimman Lal Sahu, S/o. Shri Premchand Sahu, Aged About 50 Years, R/o. Plot No. 39, Zone-02, Sadak No. 5B, New Adarsh Nagar, Durg, District Durg Chhattisgarh.
2. Satyadhar Bandhe, S/o. Shri Chaitram Bandhe, Aged About 38 Years, R/o. Dhanushkar Gali, Ward No.11, Ganjpara, Bemetara, District Bemetara Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The P.S. Bemetara, District Bemetara Chhattisgarh, Through S.P. Anti Corruption Bureau, Raipur, Chhattisgarh.
2. Ghanshyam Singh Rajput, S/o. Bhagwan Singh Rajput, Aged About 32 Years, R/o. Village Gatapar, P.S. Than Khamhariya District Bemetara Chhattisgarh (Complainant)

---- Respondents

For Petitioners	:	Mr. Pramod Kumar Verma, Senior Advocate with Mr. Tarun Dansena, Advocate
For State	:	Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.01.2018

Heard

1. The present petition is for transfer of the petition from the Court of Special Judge under Prevention of Corruption Act, District Bemetara.
2. Learned counsel for the petitioners would submit that the order sheet would reveal that when the case was not fixed for evidence on 08.09.2017, it was recorded that the case is fixed for evidence on 08.09.2017 previously. Therefore undue haste has been shown by the Court. It is further contended that the order sheet of 06.11.2017 would reveal that despite the fact that the counsel cooperated for cross-examination till 7 p.m. and after that when

they prayed for time when the Court pressurised to examine another witness but time was sought, the cost of Rs.5000/- was imposed. It is contended that however the said order was subject of challenge in the revision and the revisional Court has stayed the imposition of cost of Rs.5000/-. The counsel submits that on instructions that during the cross-examination of the witness whenever the witness wanted to depose, he is being cautioned whereby the Court has not acted fairly, which is prejudicial to interest of the accused and the Court has almost expressed its mind to convict the petitioners. Therefore, the case may be transferred to another Court.

3. Perused the order sheets. The Court is unable to accept the submission made on behalf of the petitioners as it would have a serious impact on the way of trial. However, it is expected that the Court below shall not be prejudiced and act fairly and it is expected that the Court cannot lead the part of the prosecutor instead should act as an impartial agency. It is observed that during examination fair opportunity may be given to the petitioners so that they retain their faith in the judicial system as justice not only is to be done but should have appears to have been done.
4. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge