

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.132 of 2018

Raj Kishore Harbansh, S/o Lt. Tularam Harbansh, aged about 53 years, R/o Rajkishore Nagar, Phase II, Qtr. No. 127, Bilaspur, Police Station Sarkanda, District Bilaspur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through D.S.P., Anti Corruption Bureau, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent

For Applicant	:	Shri Rohit Sharma, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

5.7.2018

1. Heard on admission.
2. This revision has been preferred against the order dated 10.1.2018 passed by the Special Judge [under the Prevention of Corruption Act] (henceforth 'the Act'), Bilaspur in Special Criminal Case No.258 of 2015, whereby the Special Judge has rejected the application under Section 311 of the Code of Criminal Procedure filed by the accused/Applicant.
3. A trial is pending against the Applicant for the offence punishable under Section 13(1)(e) read with Section 13(2) of the Act before the Special Judge. During the trial, at the stage of examination of the accused/Applicant, an application under Section 311 of the Cr.P.C. was preferred by the Applicant on the ground that after obtaining certified copies of the statements of the prosecution witnesses, the Applicant came to know that few of the prosecution witnesses have not been put material questions relating to the facts and law and, therefore, he prays for recalling of those

prosecution witnesses, namely, Mitosh Dheer (PW14), Mandeep Singh Khanuja (PW16), Malay Kumar Jena (PW19) and Bhuvan Lal Amule (PW24) for their further cross-examination and for recalling of few other prosecution witnesses who have recorded their fresh statements. The said application has been rejected by the Special Judge on the ground that the Senior Counsel appearing for the Applicant has already cross-examined the prosecution witnesses in detail.

4. Certified copies of the statements of witnesses have been enclosed with the instant revision which show that the prosecution witnesses have been cross-examined by the Counsel for the Applicant in detail. Which of the material questions of facts and law were left to be put to the prosecution witnesses are not disclosed in the application under Section 311 of the Cr.P.C. Therefore, I find that the Special Judge has rightly rejected the said application.
5. Thus, I find no merit in the revision. It is, therefore, dismissed at the admission stage itself. The stay granted vide order dated 31.1.2018 is vacated.
6. A copy of this order be sent to the Special Judge forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge