

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.162 of 2018

Ravishankar Kurre, S/o Mela Ram Kurre, aged about 23 years, R/o Village Koni, P.S. Masturi, District Bilaspur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Police Station Masturi, District Bilaspur, Chhattisgarh

--- Respondent

For Applicant	:	Shri C.R. Sahu, Advocate
For Respondent	:	Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28.2.2018

1. The revision is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 10.1.2018 passed by the 3rd Additional Sessions Judge, Bilaspur in Special Sessions Trial No.586 of 2016, whereby the Learned Additional Sessions Judge has rejected the application filed under Section 311 of the Code of Criminal Procedure for recalling prosecution witnesses Karishma Kumari (PW1) and Badrikabai (PW2) for further cross-examination.
3. On the report of Kanshibai (PW3), a charge-sheet was filed against the present Applicant in the Special Court and a separate charge-sheet was filed against juvenile co-accused before the Juvenile Justice Board. In the case which is pending before the Juvenile Justice Board, both the prosecution witnesses Karishma Kumari

and Badrikabai have been declared hostile. Prior to that, in the special case, i.e., the instant case, their statements had been recorded. Thus, an application under Section 311 of the Code of Criminal Procedure was filed before the Trial Court for recalling the prosecution witnesses Karishma Kumari and Badrikabai which has been rejected vide the impugned order.

4. It is submitted by Learned Counsel appearing for the Applicant that since the two prosecution witnesses Karishma Kumari and Badrikabai have been declared hostile, their further cross-examination in the present case is essential to confront their statements recorded before the Juvenile Justice Board.
5. Learned Counsel appearing for the State supported the impugned order and submitted that sufficient and proper opportunity has already been afforded to the defence.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. Considering the fact that the prosecution witnesses Karishma Kumari and Badrikabai have been declared hostile in the case pending before the Juvenile Justice Board and before that their statements had been recorded in the instant case, it is essential that their further cross-examination be done in the present case to confront their statements recorded before the Juvenile Justice Board.
8. In the result, the revision is allowed. The application under Section

311 of the Code of Criminal Procedure is also allowed. The Trial Court is directed to afford an opportunity to the Applicant to further re-cross examine the prosecution witnesses Karishma Kumari and Badrikabai in the present case.

Sd/-
(Arvind Singh Chandel)
Judge