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HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1107 of 2017

Panna Lal Yadav, son of Sunder Lal Yadav, aged about 25 years, R/o Semarchuva, P.S. Jarhagaon, Mungeli, District Mungeli, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Police Station Jarhagaon, District Mungeli, Chhattisgarh

--- Respondent

For Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

8.5.2018

1. Heard on admission.
2. This revision has been preferred against the order dated 23.10.2017 passed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Mungeli, whereby the Learned Special Judge has rejected the application preferred by the Applicant under Section 311 of the Cr.P.C. for calling a prosecution witness, namely, Mamta Mishra (PW5), Principal of Government High School, Barela for further cross-examination.
3. Shri Rajeev Kumar Dubey, Learned Counsel appearing for the Applicant submits that there was an election in the High Court Bar Association on 11.10.2017 and 12.10.2017 was the date fixed for counting of the votes and since he (Counsel Shri Rajeev Kumar Dubey) was also contesting for the post of a Member of the

Association, he was busy on both the dates and, therefore, he had asked his junior to convey this fact to the Trial Court, but the Trial Court recorded the statement of Mamta Mishra (PW5), Principal of the school and she was cross-examined by his junior. He further submits that his junior could not cross-examine Mamta Mishra (PW5) on material points. Therefore, an application under Section 311 of the Cr.P.C. was moved on behalf of the Applicant before the Trial Court, which has been rejected by the impugned order dated 23.10.2017. He submits that Mamta Mishra (PW5) has not been cross-examined on material points. He further submits that looking to the facts, circumstances and gravity of the case, the application under Section 311 of the Cr.P.C. may be allowed and he may be permitted to further cross-examine Mamta Mishra (PW5).

4. Learned Counsel appearing for the State/Respondent opposes the submission put-forth on behalf of the Applicant and submits that Mamta Mishra (PW5) has been duly cross-examined by the defence counsel on material points and proper opportunity has been afforded by the Trial Court to the defence counsel to cross-examine Mamta Mishra (PW5). She further submits that the Trial Court has rightly rejected the application under Section 311 of the Cr.P.C.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available including the deposition of Mamta Mishra (PW5) with due care.
6. A perusal of the deposition of Mamta Mishra (PW5) makes it clear that she has been duly cross-examined by the defence counsel and proper opportunity has been afforded by the Trial Court to the

defence counsel to cross-examine Mamta Mishra (PW5). Hence, the Trial Court has rightly rejected the application of the Applicant under Section 311 of the Cr.P.C.

7. Thus, I find no merit in the instant revision. The revision is, therefore, dismissed at the motion stage itself.

Sd/-
(Arvind Singh Chandel)
Judge