

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 212 of 2018**

Gopesh @ Gopi S/o Nethulal Nirmalkar, aged about 34 years, R/o Ward No. 10 Arjunda, District- Balod (C.G.).

---- Applicant

Versus

State of Chhattisgarh through District Magistrate- Balod, District- Balod (C.G.).

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/04/2018

1. With the consent of both the parties, the matter is heard finally at the motion stage.
2. This revision has been preferred against the order dated 27/09/2017 passed by the Learned Sessions Judge (FTC), Balod in Special ST No. 38/2017, whereby rejecting the application of the applicant for cross-examining the prosecutrix.
3. Learned counsel for the applicant submits that there are two accused persons namely- Rajesh and present applicant- Gopesh. It is further submitted that co-accused- Rajesh has also preferred a revision against the same impugned order and the coordinate bench of this Court has allowed the said application vide order dated 06/03/2018 passed in CRMP No. 451/2018, therefore, this Court may permit the

applicant to cross-examine the prosecutrix.

4. Learned Counsel appearing for the State opposes the prayer made by the counsel for the applicant and submits that initially the prosecutrix was cross-examined in detail, therefore, the trial Court has rightly rejected the prayer made by the applicant.
5. I have heard Learned Counsel appearing for the parties.
6. Since the coordinate bench of this Court has already allowed CRMP No. 451/2018 filed by the co-accused to cross-examine the prosecutrix, therefore, I am inclined to allow this revision.
7. Accordingly, CRR No. 212/2018 is allowed. The Trial Court is directed that the applicant herein who is the other accused shall be given opportunity to cross-examine the witness irrespective of the fact that witnesses have been cross-examined by the counsel of the other co-accused. The witnesses may be summoned for the same. It is also directed that on the date of recording of the evidence, counsel for the applicant shall remain present sharp at 11 am at the trial Court. No unnecessary adjournment shall be granted to the accused and the accused shall also cooperate to cross-examine of the same. It is further directed that if the counsel for the applicant avoids the hearing, the Court may provide legal aid to the applicant.
8. With the aforesaid observation, the revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge