

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 545 of 2018**

- Avinash Johar S/o Radheshyam Johar Aged About 20 Years R/o Khamariya, P. S. Seepat, District Bilaspur Chhattisgarh

---- **Petitioner****Versus**

- State of Chhattisgarh Through Police Station Kusmunda, District Korba Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri G.P. Kurre, Advocate
For Respondent-State	:	Shri Adhiraj Surana, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/03/2018**

1. Heard.
2. The instant petition is against the order dated 26.02.2018 whereby an application under Section 311 Cr.P.C. to re-examine the victim was dismissed.
3. Perusal of the application would show that after the victim was examined in a case which was pending under Sections 363, 366 & 376 of the IPC and Section 3 (A) 4 of the POCSO Act, thereafter, an application has been moved by the accused that he want to re-examine the victim as also the Magistrate, who recorded the statement of the victim under Section 164 Cr.P.C.. Perusal of the application under Section 311 Cr.P.C., which is part of record, would show that no reasonable reasons have been assigned as to

why the accused want to re-examine the victim. Perusal of the rejection order under Section 311 Cr.P.C. assigns the reason that the Court has already recorded that earlier the victim had already admitted the fact of marriage, therefore, in respect of the marriage no further cross-examination is required. Further the photograph which has been filed, the Court has observed that since the victim was in the company of the petitioner/accused, therefore, the existence of joint photographs is natural. Further the statement under Section 164 Cr.P.C. made before the JMFC is already on record and existence of such statement is not in dispute.

4. In view of the above, I do not find that any reason is made out to interfere with the order rejecting the application under Section 311 Cr.P.C. The petition has no merits. It is accordingly dismissed.

SD/-

Goutam Bhaduri
Judge

Ashu