

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.420 of 2018

Jugendra Baghel, son of Uttam Das Baghel, aged about 20 years, R/o Narotikapa, P.S. Kota, District Bilaspur, Chhattisgarh

---- Applicant

versus

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

--- Respondent

For Applicant	:	Shri N.K. Chatterjee, Advocate
For Respondent	:	Shri Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

6.7.2018

1. Heard on admission.
2. This revision has been preferred against the order dated 13.3.2018 passed by the 3rd Additional Sessions Judge, Bilaspur in Special Criminal Case No.127 of 2017, whereby the Trial Court has rejected the application filed by the Applicant/accused under Section 91 of the Cr.P.C.
3. On the basis of report lodged by the prosecutrix, a charge-sheet for offence punishable under Sections 354 and 506 Part II of the Indian Penal Code and Section 7/8 of the Protection of Children from Sexual Offences Act was filed against the Applicant/accused before the Trial Court. As per the allegation made by the prosecutrix, on 13.11.2017 at about 4:00 p.m., when she was coming back from her school to her house, near the pond, the Applicant caught her hand to outrage her modesty and threatened

her of life. After framing of charges against the Applicant, an application under Section 91 of the Cr.P.C. was filed by the Applicant in which it was prayed by him for making him available the documents relating to the treatment of the prosecutrix because in her statement under Section 161 of the Cr.P.C. she had stated that she had consumed some pesticide to commit suicide. By the said application, the details of the conversation went on between the prosecutrix and the Applicant was also sought by the Applicant. The Trial Court has rejected the said application vide order dated 13.3.2018 on the ground that the documents sought for by the Applicant vide the application under Section 91 of the Cr.P.C. are not relevant for the trial of the instant case.

4. As alleged, on 13.11.2017, when the prosecutrix was returning her house from the school, the Applicant caught her hand and threatened her of life. Prior to the incident, if the prosecutrix had consumed any pesticide to commit suicide, the same is not relevant to the case in hand. Therefore, had any conversation taken place between the prosecutrix and the Applicant, only the details of the calls made between them, which are also not relevant for the case, can be made available to the Applicant, but not the details of conversation. Therefore, the Trial Court has rightly rejected the application under Section 91 of the Cr.P.C.
5. I find no merit in the revision. It is, therefore, dismissed.

Sd/-

(Arvind Singh Chandel)
JUDGE