

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1136 of 2018**

Smt. Sunita Kathautiya, W/o Shri Dhaneshwar Kathautiya, Aged about-32 years, Sarpanch Gram Panchayat Tusma, Janpad Panchayat Nawagarh, R/o Village & Post Tusma, Police Station Shivarinarayan, Tahsil Nawagarh, Civil & Revenue District – Janjgir Champa (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Panchayat & Rural Development Department, Government of Chhattisgarh, Mahanadi Bhawan, New Raipur, Civil & Revenue District – Raipur (C.G.)
2. Collector, Janjgir, Civil & Revenue District Janjgir Champa (C.G.)
3. Sub-Divisional Officer (Revenue) Janjgir, Civil & Revenue District- Janjgir Champa (C.G.)
4. Smt. Gomti Gopi Sahu, W/o Shri Gopi Sahu, aged about 37 years, Janpad Panchayat Member No. 23 Janpad Panchayat Nawagarh, R/o Village & Post Tusma, Police Station Shivarinarayan, Tahsil Nawagarh, Civil & Revenue District – Janjgir Champa (C.G.)

--- Respondents

For Petitioner : Mr. Ramesh Kumar Nayak, Advocate.
 For Respondents/State : Mr. R.N. Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/05/2018

(1) Learned counsel for the petitioner would submit that statement of the witnesses were recorded in his absence and, therefore he has made an application for recording the statement of witnesses in his presence, that has been rejected.

(2) Per contra, counsel for the State would submit that petitioner's

counsel was present on 12.02.2018 and on that day, time was taken for cross examination and ultimately on 20.03.2018, such an application has been filed.

(3) I have heard learned counsel appearing for the parties.

(4) After hearing learned counsel appearing for the parties, I am of the considered view that petitioner be granted an opportunity to cross-examine four witnesses examined by the complainant. The case is already fixed for hearing on 9th May, 2008. Sub Divisional Officer (Revenue) is directed to ensure that four witnesses are present for their cross-examination by the petitioner on the said date (9th May, 2018).

(5) With the aforesaid observations, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-