

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.458 of 2018

Vipul Viswas, S/o Billo Mangal Viswas, aged about 35 years, R/o Dharampura, Jagdalpur, District Bastar, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through District Magistrate, South Bastar Dantewada, District Dantewada, Chhattisgarh

--- Respondent

For Applicant	:	Shri Vivek Kumar Tripathi, Advocate
For Respondent	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25.4.2018

1. Heard on admission.
2. This revision has been preferred against the order dated 9.4.2018 passed by the Additional Sessions Judge (FTC), Dantewada in Sessions Trial No.144 of 2012 rejecting the application preferred by the accused under Section 311 of the Code of Criminal Procedure.
3. From perusal of the material available, it reveals that Hasturam Diwan (PW3) has been examined and cross-examined on 19.3.2013. From certified copy of the statement of Hasturam Diwan, it appears that this witness has been declared hostile because he did not support the case of the prosecution. On 27.3.2018, an application under Section 311 of the Code of Criminal Procedure was preferred for recalling Hasturam Diwan (PW3) for further cross-examination. Since Hasturam Diwan (PW3) has already been declared hostile because he did not support the case of the prosecution and no specific ground for

recalling him has been urged in the application under Section 311 of the Code of Criminal Procedure, I find that the Trial Court has rightly rejected the said application.

4. The revision has no merit. It is, therefore, dismissed *in limine*.

Sd/-
(**Arvind Singh Chandel**)
Judge