

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 667 of 2018**

Awdhesh Kumar Sharma S/o Late Ramshankar Sharma, aged about 54 years,
R/o village- CEO of Janpad Panchayat, Shankargarh, Ambikapur, Distt. -
Sarguja (C.G.).

----Applicant**Versus**

State of Chhattisgarh through P.S. E.O.W/A.C.B. Distt. - Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Akhtar Hussain, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****26/06/2018**

1. With the consent of both the parties, the matter is heard finally at the motion stage itself.
2. This revision has been preferred against the order dated 08/06/2018 passed by the learned Special Judge (Prevention of Corruption Act), Balrampur at Ramanujganj in S.T. No. 01/2015, whereby the learned Special Judge dismissed the application filed by the counsel appearing for the defense side, seeking adjustment of the case on health ground of the original counsel.
3. Learned counsel appearing for the applicant submits that on 08/06/2018, the case was fixed for recording of the evidence of the prosecution witnesses namely- Ramakant Sharma and Inspector, Smt. Roshni Vasnic. On the said date, original counsel of the applicant, Shri V.C. Ottalwar was not well and was admitted in the Apollo Hospital. An

application was moved by the counsel who appeared for the applicant seeking one adjournment on health ground of original counsel, Shri V.C. Ottalwar, which was supported by an affidavit of the applicant, but the learned trial Court has passed an order of dismissal of the said application, which is arbitrary and illegal.

4. I have heard counsel for the parties.
5. On perusal of the order sheet dated 08/06/2018, it reveals that examination-in-chief of prosecution witness, Smt. Roshini Vasnic was recorded and at the time of cross-examination, counsel appearing for applicant categorically stated the Court that original counsel, Shri V.C. Ottalwar has instructed him that cross-examination of the witness will be done by Shri Ottalwar himself. The applicant/accused also submits the Court that he is also not competent to cross-examine the said prosecution witness namely Smt. Roshni Vasnic who is investigating Officer. The case is related to prevention of corruption act which is a heinous offence.
6. Considering the above facts and circumstances of the case, the revision is allowed. The impugned order dated 08/06/2018 is quashed.
7. The Trial Court is directed to give one opportunity to the defense to cross-examine the said witness, Smt. Roshini Vasnic. It is made clear that without reasonable ground, no further time will be granted for cross-examination of the said witness.
8. Certified copy today.

Sd/-
(Arvind Singh Chandel)
Judge