

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.764 of 2018

Sushil Agrawal, S/o Vishnu Prasad Agrawal, aged about 41 years, R/o 27 State Bank Colony, Mahoba Bazar, Police Station Amanaka, Raipur, District Raipur, Chhattisgarh

---- Applicant

versus

The State of Chhattisgarh through the Station House Officer, Police Station Tikrapara, Raipur, Tahsil and District Raipur, Chhattisgarh

--- Respondent

For Applicant	:	Shri S.C. Verma, Advocate
For Respondent	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

30.7.2018

1. Heard on admission.
2. A trial is going on against the Applicant/accused for the offence punishable under Sections 294, 341, 307, 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act before the Additional Sessions Judge, Raipur in Sessions Trial No.341 of 2013. At the stage of examination of the accused, an application under Section 340 read with Section 195 of the Cr.P.C. has been preferred by the Applicant/accused. Vide order dated 10.5.2018, the Additional Sessions Judge has taken that application on record and observed that it will be decided at the time of final decision of the sessions trial. Hence, this revision has been preferred by the Applicant/accused.
3. Learned Counsel appearing for the Applicant submits that since the application of the Applicant has not been decided by the Trial

Court, it would cause irreparable loss and damages to the interest of the applicant and fair trial prospect of the case. If the application will be decided at the time of final decision, there would be no remedy available to the Applicant/accused to approach a superior Court. Therefore, the impugned order passed by the Trial Court is bad in law.

4. Per contra, Learned Counsel appearing for the Respondent/State opposes the revision and submits that since the Trial Court has not decided the application preferred by the Applicant and it is still pending, no revision lies. He further submits that the Trial Court has observed that the application will be considered at the time of final judgment of the case, therefore, no prejudice is caused to the Applicant/accused.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. It is true that the Trial Court has not decided the application preferred by the Applicant under Section 340 read with Section 195 of the Cr.P.C. and it has been observed by the Trial Court that the application will be decided at the time of final judgment of the case. Therefore, at present, in my considered opinion, no prejudice is caused to the Applicant.
7. I find no merit in the instant revision. It is, therefore, dismissed.

Sd/-
(Arvind Singh Chandel)
Judge