

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1077 of 2018

Phulesh @ Fulesh @ Pintu Sinha, S/o Khilawan Ram Sinha, aged about 26 years, resident of Village Panduka Phokatpara, Near Durga Temple, Police Station Panduka, District Gariyaband, presently residing at near Electricity Office, Police Station D.D. Nagar, Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Deendayal Nagar, Raipur, District Raipur, Chhattisgarh

--- Respondent

For Applicant	:	Shri Tarun Dansena, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

7.12.2018

1. Heard on admission.
2. The instant revision has been preferred against the order dated 30.6.2018 passed by the Additional Sessions Judge (FTC), Raipur in Case No.14 of 2017, whereby the application under Section 311 of the Code of Criminal Procedure moved by the Applicant for further cross-examination of the prosecutrix (PW1) has been rejected.
3. Initially, the prosecutrix (PW1) was examined on 24.11.2017. Her cross-examination was also done. Thereafter, an application under Section 311 of the Code of Criminal Procedure was filed by the present Applicant before the Trial Court which was rejected vide order dated 22.1.2018. Against the said order of rejection, a revision, being Criminal Revision No.318 of 2018 was also filed by

the Applicant. Vide order dated 16.4.2018, the said revision was dismissed as withdrawn with liberty to file a fresh appropriate application before the Trial Court. Thereafter, an application under Section 311 of the Code of Criminal Procedure was again preferred by the Applicant before the Trial Court. The said application has been rejected vide the impugned order dated 30.6.2018. The Trial Court has rejected the said application on the ground that the Applicant has already been afforded sufficient opportunity to cross-examine the prosecutrix (PW1) and he has cross-examined her in detail.

4. A perusal of the statement of the prosecutrix (PW1) recorded before the Trial Court reveals that her detailed cross-examination has already been done by the Applicant. The subject application of the Applicant under Section 311 of the Code of Criminal Procedure does not show any new or reasonable ground on the basis of which it could be allowed. Therefore, vide the impugned order dated 30.6.2018, the Court below has rightly rejected the said application. I do not find any illegality or perversity in the impugned order.
5. Consequently, the instant revision is dismissed at the stage of admission itself.

Sd/-
(Arvind Singh Chandel)
Judge