

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1117 of 2018

Bhojram Sahu, S/o Bisahu Ram Sahu, aged 42 years, R/o Dhaneli, P.S. Dharsiwan, District Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Dharsiwan, District Raipur, Chhattisgarh

--- Respondent

For Applicant	:	Shri N. Naha Roy, Advocate
For Respondent	:	Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28.11.2018

1. Heard on admission.
2. The instant revision has been preferred against the action in the trial proceedings in Sessions Trial No.57 of 2018 conducted by the 1st Additional Sessions Judge, Raipur as reflected from deposition sheets dated 4.9.2018 and 5.9.2018, whereby certain questions were put to Prosecution Witness No.5, Nageshwar alias Nagesh, but the same have been discarded by the Trial Court.
3. Shri N. Naha Roy, Learned Counsel appearing for the Applicant submits that a trial is going on against the Applicant before the 1st Additional Sessions Judge in Sessions Trial No.57 of 2018 for the alleged offence under Sections 302, 201, 34 and 120B of the Indian Penal Code. The case is based on circumstantial evidence only. There is no eye witness to the incident. On 4.9.2018,

statement of Nageshwar alias Nagesh (PW5) was recorded before the Trial Court. He further submits that during cross-examination of PW5, on 5.9.2018, some material and relevant questions were put to him, but the same were discarded by the Trial Court without any proper and reasonable cause. Thus, the Trial Court has denied the right of defence to the Applicant and thereby caused him a great prejudice.

4. Smt. Smita Ghai, Learned Counsel appearing for the State opposes the above submission.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. A detailed cross-examination of Nageshwar alias Nagesh (PW5) has been done. Though during cross-examination, some questions were put to him, but the same were discarded by the Trial Court. From perusal of the statement of PW5, I find that the Trial Court has rightly discarded the questions.
7. I find no merit in the instant revision. It is, therefore, dismissed at the admission stage itself.

Sd/-

(Arvind Singh Chandel)
Judge