

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1380 of 2018

1. Smt. Sumitra Bunkar, aged 30 years, wife of Shri Agastu Bunkar,
2. Agastu Bunkar, aged 32 years, son of late Biram Sai Bunkar,

Both are residents of Village Lavkaspur, Police Station Kusmi, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicants

versus

1. State of Chhattisgarh through Police Station Kusmi, District Balrampur-Ramanujganj, Chhattisgarh
2. Ghanshyam Ram Bunkar, aged 36 years, son of Parmeshwar Ram, resident of Eecholi Bedekona, P.S. Sanna, District Jashpur, Chhattisgarh

--- Respondents

For Applicants	:	Shri Ritesh Verma and Ms. Kanchan Sharma, Advocates
For State/Respondent No.1	:	Shri Sangharsh Pandey, Dy. Govt. Advocate on advance copy

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12.12.2018

1. Heard on admission.
2. A trial is going on against Respondent No.2/accused before the Sessions Judge, Balrampur-Ramanujganj in Sessions Trial No.69 of 2018 for the offence punishable under Section 376 of the Indian Penal Code. Applicant No.1 is the prosecutrix and Applicant No.2 is one of the prosecution witnesses of the case. The case was fixed for 24.11.2018 for recording of statements of both the Applicants, but on that date, they did not appear before the Trial Court. Therefore, the Trial Court has issued arrest warrant against

the Applicants for their appearance on 19.12.2018.

3. Learned Counsel appearing for the Applicants submits that on 24.11.2018, both the Applicants had proceeded towards the Trial Court for recording of their statements, but due to being threatened by the family members of Respondent No.2/accused they could not appear before the Trial Court on time and resultantly, the Trial Court issued arrest warrant against the Applicants. The Applicants moved an application before the Trial Court for cancellation of the arrest warrant, but the application has been dismissed vide the impugned order dated 26.11.2018 only on the ground that the Applicants are not interested to appear before the Trial Court. It is further submitted that the Applicants did not appear before the Trial Court on 24.11.2018 for the sufficient reason and still they want to appear before the Trial Court for recording of their statements. They are witnesses of the case. It is further submitted that the case is fixed before the Trial Court for 19.12.2018 for recording of evidence of the prosecution witnesses. It is prayed that an opportunity may be afforded to the Applicants to appear before the Trial Court on 19.12.2018 for recording of their statements.
4. Learned Counsel appearing for the State on advance copy submits that he has no objection if the Applicants appear before the Trial Court on 19.12.2018 for recording of their statements.
5. Having considered the facts and circumstances of the case and the contentions put-forth, the instant revision is disposed of with directions that if anyailable/non-ailable warrant has been issued against the Applicants, the same shall be recalled, the Applicants

shall be allowed to appear before the Trial Court on 19.12.2018 for recording of their statements and in case of non-appearance of the Applicants on that date, the Trial Court shall proceed to pass an appropriate order in the matter in accordance with law.

6. A copy of this order be sent to the Trial Court forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge