

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 287 of 2019**

Praveen Kamade, S/o Krishna Kamade, aged about 24 Years
R/o. Charoda Bhathapara, District- Bilaspur, Chhattisgarh,
at Present residing at House No. 62, Urla, Durg, District- Durg,
Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through: The Police Station-
Mohan Nagar, Durg, District- Durg, Chhattisgarh.

2. Smt. Rekha Sahu D/o Suk Lal Sahu R/o Ward No. 12,
Naya Amapara, Shankar Nagar, Police Station- Mohan Nagar,
Durg, District- Durg, Chhattisgarh.

3. Smt. Hirondi Sahu W/o Suk Lal Sahu R/o Ward No. 12,
Naya Amapara, Shankar Nagar, Police Station- Mohan Nagar,
Durg, District- Durg, Chhattisgarh.

---- **Respondent**

For the applicant : Mr. Shikhar Sharma, Advocate.
For the State : Mr. Ravi Bhagat, Dy. G.A.,

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.1.2019

1. The present petition is against the order dated 04.12.2018 passed by the learned Additional Sessions Judge (FTC) whereby the application filed by the petitioner u/s 311 of Cr.P.C. was dismissed.
2. Learned counsel for the petitioner contends that the petitioner is facing a trial u/s 363, 366, 376(g) of IPC and section 5 (Tha) read with section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the petitioner submits that the prosecutrix and the witnesses were examined on

12.04.2017 and subsequently when another advocate has entered appearance in sessions trial, it was discovered that earlier advocate has not properly defended the case, therefore, the application was filed u/s 311 Cr.P.C., to again cross examine the prosecutrix witness.

4. A perusal of the order shows that on 12.04.2017 initially the prosecutrix as also mother of prosecutrix were examined and thereafter time was sought on behalf of the petitioner accused for cross examination on the ground that some advocate has been engaged by him on 12.04.2017 and on such prayer for adjournment the matter was fixed for re-examination on 30.06.2017 i.e., after two months of the examination of the prosecution witnesses.
5. Merely because another Advocate has stepped into trial to defend the petitioner/accused, there cannot be any presumption that earlier Advocate has failed in his duty. No particulars have been shown how the prejudice has been caused. Neither the statement of the defence witness is recorded nor any cross-examination is on record. Therefore, I do not find any merit in the petition warranting interference by this Court. Accordingly, petition is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE