

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1169 of 2019**

Shivji Prasad S/o Late R. C. Prasad Aged About 47 Years R/o Near Sub Electric Station, Sector - 3, Shivanand Nagar, Raipur, Tahsil And District Raipur Chhattisgarh.

---Petitioner**Versus**

Bhawani Provision And General Store, Through - Partner, Nand Kishore Kesharwani, S/o Shri Kishanlal Kesharwani, Aged About 32 Years, R/o - Fafadih In Front Of Chhoti Line, Raipur, Tahsil And District Raipur Chattisgarh.

---- Respondent

For Petitioner : Mr. Govind Dewangan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/05/2019**

1. By the order dated 03/01/2019 passed in Criminal Complaint Case No. 263/2013, petitioner's application under Section 311 of the Cr.P.C. had been rejected by the trial Court which has been upheld by the revisional Court vide order dated 24/04/2019 passed in Criminal Revision No. 43/2019 against which this Criminal Miscellaneous Petition under Section 482 of the Cr.P.C. has been preferred by him.

2. Learned counsel for the petitioner submits that petitioner's opportunity to cross-examine the complainant was abruptly closed on 15/10/2018 therefore, the application under Section 311 of the Cr.P.C. was filed by him which stood rejected by both the Courts below. Thus, the orders passed by both the Courts below rejecting petitioner's application under Section 311 of the Cr.P.C. deserve to be set aside.
3. I have heard learned counsel for the petitioner, considered his submission and went through the record with utmost circumspection.
4. Petitioner's opportunity to cross-examine the complainant was closed on 15/10/2018 which he did not challenge till this date by filing appropriate petition before the appropriate Court and that has become final. The two Courts below have rightly rejected petitioner's application under Section 311 of the Cr.P.C. by recording sufficient and valid reasons in which I do not find any illegality or perversity warranting interference under Section 482 of the Cr.P.C.
5. This Criminal Miscellaneous Petition deserves to be and is accordingly dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge