

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2147 of 2018

- Smt. Ravinder Kaur W/o Shri Lakhbir Singh Aged About 45 Years R/o Veer Savarkar Nagar, Police Station Kabir Nagar, Raipur District Raipur Chhattisgarh

---- Petitioner

Versus

- Shailendra Jain S/o Ratan Chand Jain Aged About 38 Years R/o Jorapara, Azad Chowk, Tahsil And District Raipur Chhattisgarh

---- Respondent

For Petitioner : Ms. Vijay Laxmi Sarwa, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/1/2019

1. Heard.
2. The present petition is against the order dated 07.09.2018 passed in criminal revision No.275/2018 whereby the learned revisional Court affirmed the order dated 09.05.2018 passed by the JMFC, Raipur, whereby the application filed by the petitioner under Section 311 of Cr.P.C. was rejected.
3. Learned counsel for the petitioner submits that an application was moved under Section 311 Cr.P.C. as certain questions were left out, therefore, the petitioner may be allowed to cross-examine the complainant again so that said questions can be put forth to the respondent.

4. Perusal of the order would show that the complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent, wherein on 10.07.2013 the statement of the complainant was recorded and on 04.09.2013 the evidence of the defendant was closed, thereafter on 21.01.2014, the case was fixed for defense evidence. Subsequently, the petitioner was absent as such permanent arrest warrant was issued in the year 2017 she was arrested and was released. Thereafter, after the release on 03.02.2018 the application under Section 311 Cr.P.C. was filed on the ground that certain questions were left out. During the course of hearing also, the counsel has not placed on record as to what prejudice has been caused. Allowing of the application under Section 311 Cr.P.C. is not a matter of right. It has to be placed with sound reason. Perusal of the order-sheet and submission, if considered, do not make out a case wherein provisions of Section 311 Cr.P.C. to be invoked. In the opinion of this Court no jurisdictional error is apparent in the impugned order.
5. This petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu