

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 1177 of 2019**

1. Jyotsana Dhuriya @ Rinki D/o Late Rudra Pratap Dhuriya, W/o Manoj Kumar Jain, aged 29 years, R/o village Katgodi, P.S. Sonhat, Present R/o Bhattipara Baikunthpur, P.S. Baikunthpur, District Koriya (C.G.)
 2. Dushyant Kumar Dhuriya S/o Late Rudra Pratap Dhuriya, aged 32 years.
 3. Samvart Kumar Dhuriya S/o Late Rudra Pratap Dhuriya, aged 26 years.
 4. Leena Dhuriya W/o Late Rudra Pratap Dhuriya, aged 59 years.
 5. Ranjeeta Dhuriya W/o Dushyant Kumar Dhuriya, aged 35 years.
- A/2 to A/5 R/o Kachaharipara, Baikunthpur, District Koriya (C.G.)

----Petitioners**Versus**

- State of Chhattisgarh, Through : Station House Officer, P.S. Baikunthpur, District Koriya (C.G.)

---- Respondent

For Petitioners	:	Shri Shakti Raj Sinha, Adv.
For Respondent/State	:	Shri Sameer Sharma, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/09/2019**

Heard on admission.

01. By the impugned order dated 06.09.2019 passed in Sessions Trial No.88/2018 by Additional Sessions Judge (FTC),

Baikunthpur, District Koriya (C.G.), an application filed under Section 311 of Cr.P.C. by the applicants has been rejected and refused to recall Dr. Shubhashish Karan (PW/9).

02. Learned counsel for the applicant would submit that on the date of examination of Dr. Shubhashish Karan (PW/9), the senior counsel was not present on account of some physical ailment and his junior could not cross-examine this witness effectively, and therefore, this witness may be recalled. Learned counsel for the applicants further submits that Dr. Shubhashish Karan (PW/9) is an important witness, who conducted postmortem examination of the deceased and the applicants are facing trial under Section 304(B) IPC.

03. A bare perusal of the statement of Dr. Shubhashish Karan (PW/9) would show that on 12.04.2019, firstly examination-in-chief was recorded and, thereafter, he entered into cross-examination but no question was put to this witness by the defence counsel. Dr. Shubhashish Karan (PW/9) is an important witness and he could not be cross-examined as the defence counsel was unwell. Therefore, in the interest of justice, this Court is of the opinion that Dr. Shubhashish Karan (PW/9) be recalled for cross-examination on the next date of hearing, subject to payment of cost of Rs.5,000/- to PW/9 by the applicants, failing which the right to cross-examination shall stand closed. The trial Court to issue summon accordingly.

04. With the aforesaid direction, the revision is disposed of

at the motion stage itself.

05. The copy of this order be sent to the Court below concerned for information and necessary action.

06. Certified copy today itself.

Sd/-

(Rajani Dubey)
JUDGE

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