

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1333 of 2019

1. Dilchand Kashyap S/o Budhwar Kashyap, Aged About 40 Years, R/o Village Karra, P.S. Masturi, Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Laxmi Prasad Kashyap S/o Dilchand Kashyap, Aged About 23 Years, R/o Village Karra, P.S. Masturi, Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Laxman Kashyap, Aged About 21 Years, R/o Village Karra, P.S. Masturi, Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- The State of Chhattisgarh, through the Station House Officer, Masturi, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

-----Respondent

For Applicants : Shri Atanu Ghosh, Advocate.

For Respondent /State: Shri Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13/11/2019

1. This petition has been brought challenging the order dated 28-08-2019 passed by the trial Court in Session Trial No.55/2019 pending before the Court of Second Additional Sessions Judge Bilaspur, District Bilaspur, Chhattisgarh.
2. It is submitted that the trial Court has suo moto exercised power under Section 311 of the Cr.P.C. and ordered for re-examination of one witness Doctor Amit Soni and subsequent to that the witness has also been re-examined by the trial Court. The issue raised in this petition is this, that the statement given by the witness in re-examination cannot be taken into consideration by the trial Court.
3. Learned counsel appearing for the State opposes the petition.

4. The issue raised in this petition is not a subject matter of revision for the reason that this argument can be advanced by the applicants before the trial Court itself at the stage of final argument, regarding admissibility in evidence of the additional statement given by the witness after his re-call under Section 311 of the Cr.P.C. Therefore, the applicants have opportunity to raise this issue before the trial Court itself, hence, the petition is without any substance and accordingly the same is dismissed and disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge