

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1363 of 2019

1. Kanak @ Sonu S/o Shri Radheshyam Chandravanshi, Aged About 23 Years, R/o Village Bhareli Post Kharhatta, PS Pandatarai, Tahsil Bodla, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
2. Radheshyam Chandravanshi S/o Dayaram Chandravanshi, Aged About 42 Years, R/o Village Bhareli Post Kharhatta, PS Pandatarai Tahsil Bodla, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
3. Parmesha @ Chhotu S/o Radheshyam Chandravanshi, Aged About 18 Years, R/o Village Bhareli Post Kharhatta, PS Pandatarai Tahsil Bodla, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
4. Smt. Usha Chandravanshi W/o Shri Radheshyam Chandravanshi, Aged About 38 Years, R/o Village Bhareli Post Kharhatta, PS Pandatarai Tahsil Bodla, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through- Police Station Pandatarai, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

--- Non-applicant

For Applicants– Shri Dheerendra Pandey, Advocate.

For State/respondent – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-12-2019

1. This revision has been brought challenging the legality, propriety and correctness of the order dated 04-10-2019 passed by the Additional Sessions Judge, Kabirdham in S.T. No.15/2018 pending before the Court of the Additional Sessions Judge Kabirdham, C.G.

2. It is submitted that the applicants are facing trial for commission of offences under Section 302, 201, 304B, 34 of the IPC. The applicants who are husband and in-laws of the deceased discovered a handwritten document which was suicide letter written by the deceased. The witnesses of prosecution have been confronted with this document and one witness has admitted that suicide letter appears to be in the handwriting of the deceased, therefore, the

applicants had moved an application before the trial Court for getting the document examined by the handwriting expert which has been rejected by the impugned order in an arbitrary manner.

3. Learned counsel for the State/respondent opposes the petition and submits that during the whole investigation no such document was found on search and neither was produced by the applicants side. There is no clear admission made by any witness who may be considered as conversant with the handwriting of the deceased. Apart from that, it is a clear case of murder because the postmortem report shows that the deceased was strangled to death and her death was homicidal, therefore, there is no substance in this revision petition.

4. Heard learned counsel for the parties and perused the documents.

5. As the document on which the applicants are relying has already been produced on record and confronted to the witnesses of the prosecution, therefore, it appears that one opportunity can be given to the applicants to present their defence case. However, it is not burden of the prosecution to get the handwriting in the disputed document examined by their expert. Therefore, the applicants have opportunity to get it examined by a private expert with permission of the Court. Also considering that the trial has almost completed as the case was fixed for final arguments on the date this application was presented, a short time can be granted to get the document examined by private handwriting expert from the side of the applicants. Hence, I do not find any error committed in the order passed by the trial Court. However, for the purpose of giving a fair opportunity to the applicants to defend the case against them an opportunity is granted to the applicants to seek permission of the trial Court to get the disputed document examined by a private handwriting expert and also burden of producing specimen handwriting shall be on the applicants

only. It is also made clear that this procedure of getting the document examined by private expert shall be completed within two months.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil