

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1481 of 2019

Smt. Sushila Devi, W/o. Late Radhe Shyam Sahu, Aged About 45 Years, Caste- Teli, R/o. Village And (Panchayat), Dabripara, Police Station Patan, Tahsil Baikunthpur, District Korea Chhattisgarh. Presently At C/o Father Ramsewak Sahu, Village Odagi, Baikunthpur, District Korea Chhattisgarh.

---- Petitioner

Versus

1. Murari Lal Sahu, S/o. Jagdish Prasad Sahu, Aged About 55 Years, Caste Teli, R/o. Village Dabripara, Police Station Patan, Tahsil Baikunthpur, District Korea Chhattisgarh.
2. Jagdish Prasad Sahu, S/o. Late Devkaran Sahu, Aged About 75 Years, Caste Teli, Occupations Agriculture, R/o. Village Dabripara, Police Station Patan, Tahsil Baikunthpur, District Korea Chhattisgarh.

-----Respondents

For Petitioner : Mr. R.K. Pali, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/11/2019

1. This revision petition has been brought challenging the correctness and legality of the order passed by the learned Judicial Magistrate First Class in Criminal Case No.26/2014 on 23.02.2019 by rejecting the application of the petitioner for summoning the witnesses, which has been also upheld in Criminal Appeal No.31/2019 by order dated 15.10.2019 by the Court of Sessions judge.
2. It is submitted that the petitioner had made a prayer in her application that the police officer who had enquired into her complaint, are necessary for determination of the case, therefore, she may be

permitted to summon them as witness. Her prayer has been rejected arbitrarily by the learned Court of Judicial Magistrate First Class as well as by the revisional Court.

3. It is submitted by the counsel for the petitioner that enquiry report of the concerned police officer are filed before the learned Court of Judicial Magistrate First Class and the witnesses proposed are relevant witness in that case, hence petition be allowed.
4. Considering that the petitioner has filed enquiry report in the proceeding, pending before the Court of learned Judicial Magistrate First Class, therefore, the relevance of the witnesses mentioned in the application may be considered again by the trial Court.
5. Accordingly, the revision petition is disposed off at motion stage. The impugned order passed by by the Courts below are set-aside and learned J.M.F.C. is directed to reconsider on the application of the petitioner on the point of relevancy for proving the documents already produced.

Sd/-
(Rajendra Chandra Singh Samant)
Judge