

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.408 of 2020

- Roopchand Chandra S/o Shri Keshav Prasad Chandra, Aged About 30 Years, R/o Village Shikarinar, Post Koterara, Police Station And Tahsil Jaijaipur, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Acting Through Officer In Charge Police Station Jaijaipur, Civil And Revenue District Janjgir Champa Chhattisgarh
2. Laxman Chandra S/o Shri Aagijhar Chandra Aged About 38 Years
3. Ramlal Chandra S/o Shri Aagijhar Chandra Aged About 50 Years
4. Devanand @ Santosh Kumar Chandra S/o Shri Aagijhar Chandra Aged About 32 Years
5. Banshilal Chandra S/o Shri Aagihar Chandra Aged About 30 Years
6. Santanu Kumar Chandra S/o Shri Dauram Chandra Aged About 38 Years
7. Smt. Maheshwari Bai Chandra W/o Shri Banshilal Chandra Aged About 38 Years

(respondents No.2 to 7 are r/o Village Shikarinar, Post Koterara, Police Station And Tahsil Jaijaipur, Civil And Revenue District Janjgir Champa Chhattisgarh)

---- Non-applicants

For Applicant	: Mr. Ramesh Nayak, Advocate.
For Non-applicant/State	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-03-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 04.03.2020, by which the prayer made by the applicant for grant of copy

of Roznamcha Sanha and also prayed under Section 223 of Cr.P.C. for calling of the record of the counter case and joint trial that the case before the Court was rejected.

2. After hearing on the submissions made by the learned counsel for the applicant and also the learned counsel for the State, I am of this view that the applicant is at liberty to file an application under Section 91 of Cr.P.C. for summoning any document or record before the Court and then to make a prayer for the copy of the same. Similarly, the Section 223 of Cr.P.C. does not empower the Court to call a record from another Court for the purposes of joint trial or conjoint trial of the case as it amounts to the exercise of powers of transfer which are not vested with the Court which has passed the impugned order. Therefore, the remedy is available to the applicant to file application under Section 323 of Cr.P.C. before the Court of Magistrate First Class where the other cases pending as the Court before which the applicant seeks joint trial is a Sessions Court. The another remedy that is available to the applicant is filing an application for transfer of criminal case before the Court of Sessions Judge, therefore, I do not find any reason to entertain this revision petition, which is disposed off at motion stage, along with the observations that have been made hereinbefore.
3. In the meanwhile, it is ordered that the proceeding before the Court shall not be taken up further for a period of only 10 days, so that the applicant is in a position to take steps according to the remedy available to him.

Sd/-
(Rajendra Chandra Singh Samant)
Judge