

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 427 of 2020

Rajesh Kumar Dewangan S/o Shri Hemlal Dewangan Aged About 46 Years
R/o Tikaripara Chhuikhadan, At Present R/o Danteshwaripara Dongargarh,
Civil And Revenue District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Rajnandgaon, District-
Rajnandgaon, Chhattisgarh.

-----Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/03/2020

1. This criminal revision has been brought being aggrieved by the order dated 29.01.2020, passed by the learned Additional Sessions Judge, Dongargarh, District – Rajnandgaon (C.G.) in Criminal Appeal No.05/2018, dismissing the application filed by the applicant under Section 243 of Cr.P.C.
2. It is submitted that the applicant while contesting the case against him before the learned trial Court had made an attempt to get one prosecution documents, which was the audit report exhibited as defence documents for which the trial Court did not grant him permission. Subsequently, the applicant has obtained certified copy of the same and by presenting it before the appellate Court made prayer under Section 243 of Cr.P.C. for allowing the

documents in his defence. The learned appellate Court has by the impugned order dismissed the application. This order is erroneous and against the law. Hence, prayed that the relief be granted.

3. State counsel opposes the petition and the submission made in this respect. It is submitted that the applicant does not have any opportunity to defence under Section 243 of Cr.P.C. at the appellate stage. The other statement made by the applicant is also contested. It is submitted that the revision petition is without any substance, which may be dismissed.
4. Considered on the submissions made by the counsel from both the sides. For the simple reason that the case is before the appellate Court, therefore, the opportunity of defence to the applicant is not available at this stage. However, the applicant has opportunity and liberty to file application under Section 391 of Cr.P.C. before the appellate Court praying for taking additional evidence and if any application is so filed, it can also be considered and decided by the appellate Court according to the merits and law.
5. Therefore, I do not find this revision petition fit to be entertained, which is disposed off at motion stage with the observation as hereinabove.

Sd/-
(Rajendra Chandra Singh Samant)
Judge