

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 718 of 2020

- Bipul Kushwaha, S/o Kameshwar Kushwaha, Aged About 27 Years, R/o - Village - Bhedmi, Police Chowki - Ganesh Mode, Police Station - Balrampur, District - Balrampur - Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station - Balrampur, District - Balrampur - Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushkar Sinha, Advocate.

For State/Non-applicant – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-11-2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 05-10-2020 passed in Special S.T. (POCSO) No.42/2019 by the Special Court (F.T.S.C./POCSO Act), Ramanujganj, District Balrampur-Ramanujganj (C.G.) dismissing the application of the applicant under Section 311 of the Cr.P.C.
2. It is submitted by learned counsel for the applicant that the impugned order is erroneous and without appreciating the grounds mentioned in the application. The counsel for the applicant before the Court below did not put other relevant questions to the victim of the case which are mentioned in the application. The applicant submits that he should be given this opportunity otherwise there would be miscarriage of justice. Hence, it is prayed that the relevant petition be allowed and the applicant be granted opportunity to re-examine the victim of the case.
3. Learned counsel for the State opposes and submits that the victim/prosecutrix of the case has been examined and cross-examined at

length by the applicant. It is submitted that the questions mentioned in the application are just repetition and only to confuse the victim of the case. Therefore, learned Court below has rightly rejected the application.

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

5. Considered on the submissions. On perusal of the copy of the application under Section 311 of the Cr.P.C., it is found that the applicant wants to put additional questions to the prosecutrix and for putting the same he already had the opportunity which he has availed. Hence, I am of this view that after availing the extensive opportunity to cross-examine the victim and also looking to the proposed questions it appears that they are just repetition of the earlier questions, therefore, it appears that learned trial Court has not committed any error. Accordingly, this revision petition is dismissed at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge