

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1 of 2020

1. Rannu @ Manoj Kumar, S/o. Shankar Lal, Aged About 25 Years
2. Golu @ Ramesh, S/o. Birjhu Ram, Aged About 20 Years,
Both are R/o- Parcha Basti, P.S. - Baikunthpur, District- Koriya Chhattisgarh.

---- Petitioners

Versus

State of Chhattisgarh, Through - S.H.O., P.S. - Baikunthpur District- Koriya Chhattisgarh.

-----Respondent

For Petitioners	: Mr. Pushkar Sinha, Advocate
For Respondent/State	: Mr. Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/03/2020

1. Being aggrieved by the order dated 28.11.2019, passed by the Court of learned Additional Sessions Judge (FTC) Special Judge (Under POCSO Act), Koriya at Baikunthpur in Special Criminal Case No.08/2019, this revision petition has been brought challenging the legality, propriety and correctness of the order.
2. It is submitted that when the prosecutrix was examined before the Court, she was cross-examined by the junior counsel and therefore, the previous statement of the prosecutrix recorded under Section 164 of Cr.P.C. was not confronted and the contradictions and omissions were not established because of inadvertence of the petitioners' counsel. Hence, the application that was filed before the Court below has been arbitrarily and erroneously rejected, which needs to be interfered with by this

Court in criminal jurisdiction.

3. State counsel opposes the petition and the submissions made in this respect. It is submitted that the prosecutrix was confronted with her statement under Section 164 of Cr.P.C., which she has admitted and has also admitted her signature on the same. Therefore, all the opportunity have been availed by the applicant and there is no need of any interference in the impugned order.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On perusal of the impugned order and also the copy of the deposition of the prosecutrix, I am of this view that previous statement of the prosecutrix under Section 164 of Cr.P.C. was confronted to her and it has been marked as Ex.P-14. Whatever the omissions and contradictions or development, the petitioners side wants to bring before the Court can be submitted by way of argument at the final stage and the Court shall have the liberty to make observations of the deposition before the Court and the statement in Ex.P-14 and draw conclusion accordingly. Therefore, the opportunity of the applicant is not lost in any manner. Hence, I do not find any reason to interfere with the impugned order.
6. Accordingly, this petition is dismissed at motion stage with the liberty as aforesaid.

Sd/-
(Rajendra Chandra Singh Samant)
Judge