

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 102 of 2021

Som Kumar Sahu @ Shiva Sahu, S/o. Chhotelal Sahu, aged about 20 years,
R/o. Village Hathnewra, Police Station Champa, District Janjgir Champa
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station
Champa, District Janjgir Champa Chhattisgarh.

-----Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/02/2021

1. This criminal revision has been brought being aggrieved by the order dated 20.01.2021, by which the application of the applicant filed under Section 311 of Cr.P.C. was dismissed.
2. It is submitted by the learned counsel for the applicant, the applicant is facing trial in Special Criminal Case No.32 of 2020, filed an application under Section 311 of Cr.P.C. praying for recall of the witness Salila Sahu seeking permission to recross-examine her. The application has been erroneously rejected by the trial Court. It is prayed that the revision petition be allowed

and the impugned order be set-aside.

3. State counsel opposes the petition and the submission made in this respect. It is submitted that the order passed under Section 311 of Cr.P.C. is an interlocutory order, therefore, the revision is not permissible under Section 397(2) of Cr.P.C.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions. Perused the deposition of the witness Salila Sahu (P.W.-2) and it observed that the applicant had full opportunity to cross-examine the witness. On perusal of the copy of the application filed praying for recross-examining this witness, it is found that there is no specific reason mentioned as to on what ground or for what reason, the recall of witness for questioning in cross-examination is necessary apart from the questions that have been already put to the witness. Therefore, this Court is of the view that no error has been committed by the learned trial Court.
6. Hence, the present petition is devoid of any merit, which is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge