

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.176 of 2021**

1. Pawan Kumar Jaiswal, S/o Rambhagat Jaiswal, Aged About 37 Years

2. Vikash Jaiswal, S/o Pawan Jaiswal, Aged About 19 Years

Both R/o Village Navagaon, Salka, Police Station Kota, District Bilaspur, Chhattisgarh

----- **Petitioners**

Versus

- State of Chhattisgarh, Through Police Station Kota, District Bilaspur, Chhattisgarh

----- **Respondent**

For Petitioners Mr. R. K. Dubey, Advocate

For Respondent Mr. Jitendra Pali, Dy. AG

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

18/02/2021

1. Learned counsel for the petitioners would submit that the petitioners are being tried for the offence punishable under Sections 302 & 201 of IPC in the Court of

8th Additional Session Judge, Bilaspur (C.G.) in ST No.60/2020, but they are not being produced physically before the said Court and they are allowed to make appearance through Video Conferencing only, by which they are suffering prejudice. Therefore, direction be issued to the concerned Court for producing the accused physically on the next date of hearing i.e. 24.02.2021, where the prosecution witnesses are to be examined.

2. Mr. Jitendra Pali, learned State counsel, would submit that as and when direction is issued in this regard, certainly the accused persons will be produced before the said Court physically.
3. The offences under Sections 302 & 201 are being tried against the petitioners and according to the petitioners, due to hearing through video conferencing, they are unable to interact with their counsel. However, the petitioners'

application for their production before the Court has summarily been rejected by learned Session Judge citing Covid-19 situation, but the learned ASJ has not considered the application filed by the petitioners in its proper prospective qua the right of petitioners to have a fair and effective trial as they are in jail and on account of their non production physically before the Court, they are unable to have the effective hearing and consultation with their counsel. In that view of the matter, the impugned order passed on petitioners' application is hereby set aside.

4. The matter is remitted to the concerned Court for hearing the said application afresh for producing the accused persons before the Court. The said application will be considered by the said Court before 24.02.2021, as the case is fixed on 24.02.2021 and appropriate order will

be passed on their application afresh.

5. The petition under Section 482 of CrPC is allowed to the extent indicated above.

6. Copy of this order be sent to the concerned Court for needful action.

Sd/-
Sanjay K. Agrawal
Judge

Nirala