

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 373 of 2021**

- Jagannath Dass S/o Shri Tarini Dass, Aged About 35 Years R/o Badavgarh Near Narsing Temple, Police Station Aaska, District Ganjam (Orissa), District : Ganjam, Orissa

----- Petitioner**Versus**

- State of Chhattisgarh Through District Magistrate, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----- Respondent

For Petitioner :- Mr. Navin Shukla, Advocate.
For State/Respondent:-Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/03/2021**

1. The petitioner is facing trial for offence under Section 420, 120B of the IPC in which Mr. Avinash Saxena on behalf of the petitioner was examined by petitioner as defence witness on 13.02.2020 as a representative of ICICI Bank, Barhampur

Medical College Road Branch, Barhampur, Orissa and after lapse of one year petitioner has filed application for summoning the Authorized Officer of the Bank as defence before the Judicial Magistrate First Class, Raipur, which has been dismissed by the learned trial Magistrate and affirmed by the learned Revisional Court, against which the present petition under Section 482 of the Cr.P.C. has been preferred by the petitioner.

2. Learned counsel for the petitioner would submit that both the Courts below are absolutely unjustified in rejecting the petitioner's application under Section 311 of the Cr.P.C. for summoning the Authorized Officer, ICICI Bank, of the said branch.

3. After hearing learned counsel for the petitioner at length the said witness Mr. Avinash Saxena, appeared on behalf of the petitioner/defence, has already been examined and after lapse of one year for filling-up the lacuna, the said witness

again cannot be summoned. I do not find any perversity or illegality in the impugned order.

4. Accordingly, the present CRMP deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit