

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 412 of 2021**

1. Arvind Shriwas S/o Gajanand Shriwas, Aged about 32 years.
2. Gajanand Shriwas, S/o Late Manohar Shriwas, Aged about 58 years.
3. Maheshi Shriwas W/o Gajanand Shriwas, Aged about 55 years.

All R/o Village Ratan Mahka, P.S. Kharsiya, Distt. Raigarh, Chhattisgarh.

--Petitioners

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Janjgir, Distt. Janjgir-Champa, Chhattisgarh.

--- Respondent

For Petitioners	:-	Mr. F.S. Khare, Advocate
For State	:-	Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

06/04/2021

1. By way of this petition, petitioners seek to challenge the impugned order dated 03/03/2021 by which the application filed by them under Section 311 of CrPC for further cross-examination of

victim (P.W. 7) has been declined by learned Special Judge (POCSO Act).

2. Mr. F.S. Khare, learned counsel for the petitioners, would submit that learned Special Judge is absolutely unjustified in rejecting petitioners' application under Section 311 of CrPC because though the victim has been examined earlier but later on the seized articles were produced and marked as Exhibits P/4 and P/5, therefore, she is required to be cross-examined further.

3. I have heard learned counsel for the petitioner at length and perused the records.

4. From the perusal of the record, it is quite evident that on behalf of the petitioners, their counsel has already examined the victim/prosecutrix (P.W. 7) on 25/02/2020 and merely, on the ground of production of some articles which have been marked as Exhibits P/4 and P/5, petitioners cannot be permitted to file fresh application under Section 311 of CrPC seeking further cross-examination of the victim/prosecutrix. As such, learned Special Judge is absolutely justified in rejecting petitioners' application under Section 311 of CrPC in which I do not find any good ground to interfere.

5. Accordingly, the instant petition stands dismissed
finding no merit. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet