

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 608 of 2021**

T.S. Kumar, S/o Shri T. Satyanarayan, Aged about-38 years, Address –
Through T.S. Mani, S/o Shri T. Satyanarayan, Control Clerk, Senior
Divisional Commercial Clerk, South East Central Railway, D.R.M.
Complex, Raipur (C.G.) (Accused)

---- Petitioner**Versus**

Dhananjay Rai, S/o Shri B.K. Rai, Aged about – 27 years, R/o Aadarsh
Nagar Charoda, Police Station – Bhilai, District – Durg (C.G.)
(Complainant)

----Respondent

For Petitioner	: Mr. Rishi Rahul Soni, Advocate.
For Respondent	: None present.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****20.09.2021**

Heard on admission.

(1) This criminal revision has been brought against the order dated 27.7.2021 passed by Second Additional Sessions Judge, Durg in Criminal Case No. 56/2020 whereby order dated 28.01.2020 passed by Judicial Magistrate, First Class, Durg in respect of closing of opportunity of evidence of respondent/complainant has been set aside and further one more opportunity of adducing evidence has been granted to the respondent/complainant.

(2) Learned counsel for the petitioner would submit that several opportunities were given to the respondent/complainant for his cross-examination but he was reluctant to avail the same. On 28.1.2020, the case was fixed for his cross-examination and he (respondent/complainant) was appeared on that day, but due to non-appearance of his counsel, he was not cross-examined, whereas on that day the case was taken-up for six times and ultimately, the counsel for the respondent/complainant has appeared at 2 pm and seeks time stating that complainant is not appeared with original documents, therefore, it is not possible to cross-examine him. This attitude of respondent/complainant and his counsel shows their dis-interest to the case, therefore, the trial Magistrate has rightly closed his opportunity to adduce evidence. Despite, that learned revisional Court has allowed the revision filed by the respondent/complainant by setting aside the order passed by trial Magistrate by giving one more opportunity to respondent/complainant for adducing evidence, which is erroneous and unsustainable in law.

(3) I have heard learned counsel appearing for the petitioner and perused the material available on record including impugned order.

(4) Perusal of copy of order-sheets and impugned order would show that respondent/complainant was not so serious about the proceedings of the case and he had taken several opportunities. Looking to his reluctant attitude, learned trial Magistrate closed his opportunity to adduce evidence but in the revision petitioner filed by him against the order of trial Magistrate, learned Second Additional Sessions Judge, Durg vide its impugned order dated 27.07.2021 allowed the revision petition in the interest of justice and afforded him one more opportunity to examine his witnesses. Learned Revisional Court has also directed to both the parties that on the date and time given by the trial Magistrate, both the parties shall appear and complete the examination of the witnesses of respondent/complainant. Aforesaid facts shows that learned revisional Court has given only one opportunity to the

respondent/complainant in the interest of justice, that too, with the aforesaid direction, which cannot be termed as improper or illegal. I do not find any infirmity or illegality in the order impugned warranting interference of this Court.

(5) Consequently, the criminal revision, being devoid of substance, is liable to be and is hereby dismissed at the motion stage itself.

D/-

Sd/-
(N.K.Chandravanshi)
Judge

