

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 630 of 2021

- Vijay Kumar Patel S/o Late Shri Yadram Patel, Aged About 47 Years, R/o M.I.G. – 33, Sharda Vihar, Transport Nagar Korba, Tehsil and District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Non-applicant

Versus

1. Aarav Patel, S/o Shri Vijay Kumar Patel, Aged About 10 Years, Minor, through his natural guardian mother Smt. Hemlata Patel, R/o Ward No. 8, Lahroud, Police Station and Tehsil – Pithoura, District – Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Ku. Aahana Patel D/o Shri Vijay Kumar Patel, Aged About 6 Years, Minor, through her natural guardian mother, Smt. Hemlata Patel, R/o Ward No.8, Lahroud, Police Station and Tehsil – Pithoura, District Mahasamund Chhattisgarh.
3. Smt. Hemlata Patel, W/o Shri Vijay Kumar Patel, Aged About 34 Years, R/o Ward No.8, Lahroud, Police Station and Tehsil – Pithoura, District Mahasamund Chhattisgarh.

---- Respondents

Applicants

For Petitioner – Ms. Vaishali Mahilong and Mr. Prasoon Agrawal, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-11-2021

Heard.

1. It is submitted by learned counsel for the petitioner that the petitioner is non-applicant in the Misc. Criminal Case No.F-45/2020 which is based on the application filed by the respondents under Section 125 of the Cr.P.C. The respondent No.3 appeared for cross-examination on 06-10-2021, the respondent was cross-examined by the petitioner, however, he prayed for additional time to prepare and cross-examine respondent No.3. Respondent No.3 expressed her inconvenience. It was only on that ground the learned family Court has closed the opportunity of cross-examining respondent No.3, however, the petitioner has been granted opportunity to produce his witnesses.
2. It is submitted that the order of closure of the opportunity of cross-

examination of respondent No.3 based on only ground of her inconvenience, is inappropriate, erroneous and arbitrary order. Hence, this petition has been filed with a prayer to grant one opportunity to the petitioner to cross-examine respondent No.3.

3. Considered on the submission and perused the documents filed along with the petition. After perusal of the copy of deposition of the respondent No.3, it is found that the only reason for closure of the opportunity of the petitioner for cross-examining the respondent witness was that, the witness had inconvenience. This is not an appropriate reason, to be taken into consideration. Hence, I am of this view that the petitioner should have one more opportunity to cross-examine the respondent witness. Therefore, this petition is disposed off at motion stage. The learned family Court is directed to grant one more opportunity to the petitioner to cross-examine the respondent witness Smt. Hemlata Patel on a date to be fixed after appearance of the parties. With these observations, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge