

Devendra Singh Rathour Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Nov-29-2012

Appellant : Devendra Singh Rathour

Respondent : The State of Madhya Pradesh

Judgement :

Cr.R.No.2217.2012 29.11.2012 Shri S.K.Dwivedi, Advocate ,for the applicant.

Shri Santosh Yadav, P.L.for the State.

Heard Finally with the consent of both the parties.

This petition has been filed against the order dated 12.10.2012 and 8.11.2012 of Additional Sessions Judge, Katni in Sessions Trial No.139/2011.

On 8.11.2012 an application u/s 233(3) was moved on behalf of petitioner to call ten witnesses which was refused vide the alleged order by the Additional Sessions Judge, Katni in S.T.No.139/11.

As case was already closed, learned counsel for the applicant submits that as per instructions and guidance from the Senior Advocate it was necessary to call ten defence witnesses in the case to prove some documents.

He further submits that though he moved an application for examining ten defence witnesses but at least three witnesses i.e.Heeralal Sen, Jawaharlal Sarpanch and

Dy.S.P.Headquarter Katni alongwith statements recorded by him pursuant to the directions of S.P.Katni are very important and necessary to examine in the case in the ends of justice.

Though learned counsel for the State has objected the same but looking to the principle of natural justice sufficient opportunity of hearing should be given to the applicant.

Learned Additional Sessions Judge Katni in S.T.No.139/11 is directed to give sufficient opportunity to call and examine at least three witnesses as aforesaid together with record to the applicant.

With the aforesaid observation this petition is disposed of.

However, learned counsel for the applicant is also directed to give all sort of Co.operation to the Court in calling and examining the aforesaid three witnesses.

Certified copy today.

(M.A.Siddiqui) JUDGE Ag/

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