

Ramesh Kumar Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Dec-03-2012

Appellant : Ramesh Kumar

Respondent : The State of Madhya Pradesh

Judgement :

Cr.R.No.2056/2012 03.12.2012 Shri Arubendra Singh, Adv.for the applicants.

Shri Vinot Fouzdar, PL for respondent /State.

Heard Finally.

This Criminal Revision u/s 397/401 Cr.P.C.has been filed against the order dated 24.9.2012 passed by Additional Sessions Judge, Amarpatan district Satna in Sessions Trial No.251/2008 by which application u/s 311 Cr.PC has been rejected.

Learned counsel for the applicants submits that important question was could not be asked from Doctor about causing injury.

Though it has been alleged that question was asked but answer could not come .

Learned counsel for the State strongly opposed the prayer and submits that once witness was examined he can not be re-examined for limited purpose how the injury could have been caused.

Looking to the facts and circumstances of the case and on the principle that justice should not be done but it seems to have been done and no body could be punished without being provided proper opportunity hence this petition is allowed for the limited purpose with a direction to the Additional Sessions Judge Amarpatan district Satna to give applicants at least one opportunity to call the Doctor B.K.Panse in S.T.No.251/2008 and grant an opportunity for further cross-examination on the aforesaid point.

It is made clear that expenditure of such witness (TA DA) shall be borne by the petitioners. With the aforesaid directions/observations this petition is disposed of.

C c as per rules.

(M.A.Siddiqui) JUDGE Ag/

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