

(2000) 12 AHC CK 0087
In the Allahabad High Court
Case No : Criminal Revision No. 2796 of 2000

Girish Chandra Gupta

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 21-12-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397, 401
Essential Commodities Act, 1955 — Section 3, 7

Citation : (2000) 12 AHC CK 0087

Hon'ble Judges : V.K.Chaturvedi, J

Final Decision : Disposed Of

Judgement

V.K. Chaturvedi, J.—Affidavit filed in support of the revision is taken on record.

2. Aggrieved by the order dated 14122000 passed by the Special Judge (E.C. Act), Varanasi in Criminal Case No. 78 of 1992 under Section 3/7 of the Essential Commodities Act rejecting the application of the revisionist for crossexamination of the prosecution witness, this revision has been preferred.

3. Heard Sri O.P. Singh, learned counsel for the revisionist and the learned A.G.A.

4. It has been argued that the revisionist is facing trial under Section 3/7 of the Essential Commodities Act since 1992 and after recording the statement of P.W. 1. Supply Inspector on 4112000 the trial Court fixed 12122000 for recording the statement of remaining prosecution witnesses. On the date fixed the revisionist could not appear on account of severe cold and fever and informed his counsel to seek adjournment. The application was allowed, but since seven prosecution witnesses were present in the Court their statements were recorded. However, since the counsel for the revisionist was also not present for cross examination of the prosecution witnesses, the trial Court fixed 14122000 for recording the statement of the revisionist under Section 313 Cr. P.C. An application was moved for recalling the prosecution witnesses on 14122000, but the same was rejected.

5. After hearing the learned counsel for the parties and perusing the material on

record and the impugned order, since the revisionist has been deprived of the right of crossexamination, I am of the opinion that in the interest of justice an opportunity may be given to the revisionist for crossexamination of the witnesses.

6. This revision is finally disposed of with the direction that the trial Court shall summon all the seven prosecution witnesses, who were present on 12122000, for affording an opportunity to the revisionist to crossexamine them provided the revisionist deposits a cost of Rs. 5,000/ on or before 5th January, 2001 before the trial Court concerned.

7. Let a certified copy of this order be issued to learned counsel for the parties on payment of requisite charges within two days. Revision disposed of.