

## **CRR-2071-2014**

*(CHHOTU @ SHAITAN SINGH Vs THE STATE OF MADHYA PRADESH)*

**30-04-2015**

Shri V.A.Ansari, learned counsel for the applicants.

Shri Vivek Lakhera, learned Panel Lawyer for the State.

Shri Naveen Giri, learned counsel for the objector.

This revision is directed against the order dated 10/9/2014 passed by the trial Court whereby the application submitted by the applicants under Section 91 of Cr.P.C. read with section 207 has been rejected by the Trial Court.

From the perusal of the order sheet it is clear that charges were framed on 1.8.2013 and thereafter evidence was recorded by the trial Court. After the prosecution evidence was over, the statement of accused persons u/s 313 of Cr.P.C. was recorded on 1.7.2014. It is further revealed that time was taken by the accused persons to adduce the defence evidence. However, on 25.8.2014 all accused persons submitted that they did not want to adduce any evidence in defence. Their right was closed and the matter was fixed for final arguments. It is also pertinent to mention here that this court has directed to finalise the trial as early as possible. At this stage application under Section 91 r/w section 207 of the Cr.P.C was filed. The learned Trial judge has recorded the relevant reasons for rejecting the application stating that to prove the age of the prosecutrix an Assistant Teacher of Government Primary School (Shobhna Saxena) was already been examined by the prosecution as witness No.2. It is further submitted by the trial court that after recording their statement u/s 313 of Cr.P.C. several opportunities were given to the applicants to adduce the evidence and upon their refusal to lead any defence evidence the right was closed. Applicants cannot be now permitted to take a somersault at this belated stage.

In the considered opinion of this court, the trial Court has rightly rejected the application as the accused persons were prolonging the trial at the stage of final judgement. I find no illegality or infirmity with the order impugned so as to warrant interference in this revision.

Accordingly, the revision stands rejected and the stay order passed on 14/10/2014 is hereby vacated. Let a copy of the order passed by this court be sent to the trial court to hear the final arguments and pronounce the judgement in accordance with law before 30th June, 2015.

**(S.K. SETH)**  
**JUDGE**