



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 224 of 2026**

Naresh Kavar S/o Jahur Kavar Aged About 37 Years R/o Ward No.04, God Para, Bajrang Chowk, Village- Kurud, District : Dhamtari, Chhattisgarh

... Petitioner**versus**

State Of Chhattisgarh Through - Police Station- Baghbhara, District : Mahasamund, Chhattisgarh

... Respondent

For Petitioner : Mr. Virendra Kashyap, Advocate

For Respondent : Mr. Akash Agrawal, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order On Board****20/01/2026**

1. The present petition under Section 528 of BNSS, 2023 has been filed against the order dated 25.11.2025 passed by learned Additional Sessions Judge (FTC), Mahasamund, Chhattisgarh in Session Trial No.74/2025 whereby the application under Section 348 of BNSS filed by the petitioner for recalling the victim to cross-examine her again has been rejected.



2. The petitioner is facing criminal proceeding under Sections 64 & 351(3) of BNS and Sections 66 & 67 of the Information Technology Act before the Additional Sessions Judge, (FTC), Mahasamund in Session Trial No.74/2025. The victim has already been examined as PW-1 before the trial Court. After completion of evidence of the victim, the petitioner/accused moved an application under Section 348 of BNS for recalling her to cross-examine again on the ground that there was a mistake in cross-examining the victim relating to para-3 of her examination-in-chief. Learned trial Court, vide impugned order rejected the said application of the petitioner, leading to the filing of this petition.
3. It is the argument of learned counsel for the petitioner that some important points relating to para-3 of the examination-in-chief of the victim have been left out and hence it is necessary to recall the victim for cross-examination. Hence, prays for allowing the petition.
4. Perusal of the impugned order reflects that the evidence of victim was recorded on 14.10.2025 and she was cross-examined in detail by the defence counsel on behalf of the accused/petitioner. On 24.11.2025, the application under Section 348 of BNS was filed by the petitioner to recall the victim to cross-examine her again as some points relating to para-3 of the evidence of victim were missed/left out during her cross-examination. The trial Court vide impugned order rejected the said application holding that on 14/10/2025, following the examination-in-chief of the victim, a cross-examination of approximately two pages was conducted by the defence and the facts related to para-3 have already been cross-examined in paragraphs 9 & 10 of the defence's cross-examination. The trial Court has also



held that in cases of sexual offences against children, the child victim cannot be called repeatedly for evidence without necessity. When a sufficient cross-examination of the victim has already been conducted by the advocate for the accused following the examination-in-chief, recalling the victim again for further cross-examination does not appear appropriate.

5. The defence was given sufficient opportunity to cross-examine the victim. In the application filed by the accused/petitioner, no proper reason has been mentioned to recall the victim and on which point the defence wanted to cross-examine her again. Therefore, this Court does not find any illegality or infirmity in the impugned order warranting any interference by this Court.
6. Thus, the present CRMP is **dismissed** at motion stage.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

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