



CGHC010322272026



2026:CGHC:38036-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2228 of 2026

1 - Moharram Ali @ Sohel Ali S/o Shri Shabir Ali, Aged About 33 Years, R/o Rajadevri, Ward, No.04, P.S. Rajadevri, District Balodabazar Bhatapara, C.G. At Presentl R/o Sector 27, House No. P 3A/576, Nawa Raipur P.S. Rakhi, District Raipur C. G.

... Petitioner

versus

1 - State of Chhattisgarh Through SHO P.S, Rakhi, District Raipur C.G

2 - Kamal Tiwari S/o Late Dhannu Tiwari, Aged About 45 Years, R/o Village Balgi Saliha Bhatha, And Mission Fatak (Gate) Champa, District Janjgir Champa C. G.

... Respondents

(Cause-title taken from Case Information System)

For Applicant : Mr. Dheerendra Pandey, Advocate.

For State : Ms. Anusha Nayak, Deputy Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

25.08.2026

- The present is an application filed by the applicant under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for recalling of the order dated 08.07.2026 passed by this Court in CRMP No.1746 of 2026 and restoration of the said CRMP No.1746 of

2026 which was dismissed on the ground that the order framing charge has not been challenged by the petitioner.

2. Learned counsel for the applicant would submit that the applicant had challenged the registration of the FIR of Crime No.196/2024 registered at Police Station Rakhi, District Raipur for the offence under Section 294, 506, 323, 342, 392, 354 and 34 of the IPC, Charge Sheet No.132/2025 dated 07.11.2025 and the proceeding of Criminal Case No.47362/2025 pending before the learned Judicial Magistrate first Class, Raipur. The said CRMP came up for hearing before this Court on 08.07.2026 and it has been dismissed on the ground that the order framing charge has not been challenged by the petitioner. He would further submit that the charge has not been framed in the case before the learned trial Court till date and therefore, the applicant/petitioner could not challenge the same. He would refer the order sheets of the learned trial Court to demonstrate that the charges have not been framed against the petitioner before the learned trial Court till date. Therefore, the impugned order dated 08.07.2026 passed by this Court in CRMP No.1746 of 2026 may be recalled and the CRMP challenging the registration of the FIR, charge sheet and criminal proceeding may be heard on merits.
3. Learned counsel appearing for the State, on instruction, could not dispute that the charges have not been framed against the accused till date before the learned trial Court.
4. We have heard learned counsel for the parties and perused the

documents annexed with the present CRMP.

5. Considering the submission made by learned counsel for the applicant and after having gone through the impugned order dated 08.07.2026 passed by this Court in CRMP No.1746 of 2026 and also gone through the order sheets of the learned trial Court annexed as Annexure-A/2 in the present petition, it appears that the charges have not been framed against the applicant/petitioner before the learned trial Court and therefore, the order dated 08.07.2026 requires recalling. Accordingly, the present CRMP No.2228 of 2026 is **allowed** and the order dated 08.07.2026 passed by this Court in CRMP No.1746 of 2026 is recalled and the CRMP No.1746 of 2026 is restored to its original number.
6. Registry is directed to list CRMP No.1746 of 2026 today itself for further hearing.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice