



CGHC010342752026



2026:CGHC:40634

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2322 of 2026**

Shivlal Netam S/o Jaysingh, Aged About 30 Years Caste- Gond, R/o Village- Barda Police Station- Urandabeda, Tahsil-Farasgaon, District- Kondagaon, (C.G.)

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Station House Officer, Police Station- Urandabeda, District- Kondagaon (C.G.)

2 - Mansingh Dugga S/o Jaggu Dugga Aged About 30 Years R/o Kongud, Police Station-Dhanora, District- Kondagaon, (C.G.)

3 - Balsai Marapi S/o Milan Marapi Aged About 30 Years R/o Kongud, Police Station-Dhanora, District- Kondagaon, (C.G.)

4 - Mansai Dugga S/o Jaggu Dugga Aged About 28 Years R/o Kongud, Police Station-Dhanora, District- Kondagaon, (C.G.)

5 - Agnu Ram Marrapi S/o Late Sakkhu Marrapi Aged About 50 Years R/o Kongud, Police Station-Dhanora, District- Kondagaon, (C.G.)

6 - Ramsingh Marrapi S/o Sanau Marrapi Aged About 30 Years R/o Kongud, Police Station-Dhanora, District- Kondagaon, (C.G.)

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7 - Naklesh Marapi S/o Basen Marapi Aged About 24 Years R/o Kongud, Police Station-Dhanora, District- Kondagaon, (C.G.)

... Respondents

For Petitioner	:	Ms. Itu Rani Mukherjee, Advocate
For Respondent-State	:	Ms. Sunita Manikpuri, Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

17.09.2026

1. Petitioner has filed this petition under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 seeking relief that *“this Hon’ble Court may kindly be pleased to direct the learned Chief Judicial Magistrate, Kondagaon, District- Kondagaon (C.G.) for deciding the complaint as well as the application expeditiously, in the interest of justice.”*
2. Learned counsel for the petitioner submits that petitioner has moved an application under Section 175 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*“in short BNSS, 2023”*) before the learned Chief Judicial Magistrate, Kondagaon, District- Kondagaon, Chhattisgarh, however, appropriate order(s) have not been passed and therefore, this criminal miscellaneous petition has been filed by the petitioner seeking direction to the concerned Magistrate for deciding the complaint made by him as also the application filed under Section 175 of BNSS, 2023, expeditiously.
3. Learned counsel for the State opposes the submission made by learned counsel for the petitioner and submits that from the documents enclosed along with this petition reveals that the Chief Judicial Magistrate, Kondagaon, C.G., has proceeded with the application submitted by

petitioner under Section 175 of BNSS, 2023, however, the counsel representing the petitioner has taken time for the preliminary examination of the witnesses.

4. I have heard learned counsel for the respective parties and perused the documents enclosed along with this criminal miscellaneous petition.
5. Perusal of Annexure P-2 would show that on the complaint made by petitioner with regard to the incident happened on 26.08.2025, concerned Police have submitted an Istigasha before the competent authority. Vide letter dated 26.09.2025 Station House Officer, Urandabeda, District- Kondagaon, C.G. had intimated the Chief Judicial Magistrate, First Class, Kondagaon, C.G. about the proceedings initiated and submission of Ishtigasha before the competent authority. Petitioner has enclosed a copy of complaint filed before the Chief Judicial Magistrate, Kondagaon, C.G. as Annexure A-3 and have also enclosed an application under Section 175 of BNSS, 2023. Order sheets vide Annexure P-4 of the Court of Chief Judicial Magistrate, First Class, Kondagaon, C.G. would show that after receiving the application and complaint, Court has called for report and after the receipt of the report, case was fixed for arguments on 21.11.2025. However on 21.11.2025 as also on 08.12.2025 counsel representing petitioner sought time for argument. Thereafter on 02.01.2026 the case was fixed for recording of preliminary statement of witnesses of the complainant on 03.03.2026. On that day Shivilal, Raju and Ramsu were present and they were examined however, again time was taken for examination of the left over witnesses by the counsel for petitioner. Similarly on 13.04.2026, 23.05.2026 as also on 03.07.2026 counsel representing

complainant sought time for recording of preliminary statement of the left over witnesses.

6. From the aforementioned facts and circumstances of the case, it is appearing that after receipt of the application filed under Section 175 of BNSS, 2023, and complaint application, learned Chief Judicial Magistrate, Kondagaon, C.G. have proceeded and on the other hand, from time to time learned counsel representing complainant before the learned Magistrate has taken time, therefore, it could not be said that there is delay in proceedings on the part of the Chief Judicial Magistrate, Kondagaon, C.G.
7. In the aforementioned facts of the case, I do not find any merit in this petition. Accordingly, this petition stands **dismissed**. No order as to cost(s).

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

JUDGE