

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(CR) No. 58 of 2015

- Paresh Das S/o Late Sudhan Das, Aged About 60 years Occupation- Agriculture, R/o Village- Ravindranagar, P.S. - Jainagar, Tahsil- Surajpur, Civil & Revenue Distt. Surguja (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through- Sub Divisional Magistrate, Surajpur, Distt. Surajpur (C.G.)
2. Station House Officer, Jainagar, Police, Distt. Surajpur (C.G.)
3. Kartik Biswas S/o Shri Ashutosh Biswas Aged About 35 Years Occupation- Agriculture, R/O Village- Ravindranagar, P.S. - Jainagar, Tahsil- Surajpur, Civil & Revenue Distt. Surguja (C.G.)
4. Amar Chand Das S/o Shri Hari Das Aged About 35 Years Occupation- Agriculture, R/O Village- Ravindranagar, P.S. - Jainagar, Tahsil- Surajpur, Civil & Revenue Distt. Surguja (C.G.)

---- Respondents

For Petitioners
For Respondent No.1

Shri Awadh Tripathi, Advocate
Shri Adhiraj Surana, Dy. Govt. Adv. for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/03/2015

1. Petitioner has assailed the legality and validity of the order passed by the Sub Divisional Magistrate under Section 146 of Code of Criminal Procedure (for short, 'CrPC').
2. Such an order, in a proceeding under Section 145 of CrPC, is revisable under Section 397 read with Section 401 of CrPC and in fact, on a previous occasion, petitioner availed that remedy by filing revision application before the Sessions Court.

3. In view of the availability of alternative remedy, this Court is not inclined to exercise writ jurisdiction.

4. Writ petition is accordingly dismissed as not maintainable. Petitioner may avail the alternative remedy in accordance with law.

5. Certified copy of the impugned order be returned to learned counsel for the petitioner on supplying Xerox copy thereof.

J U D G E

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