

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 153 of 2015

Ravindra Tiwari S/o Shri Ramadhar Tiwari Aged About 38 years Occupation-Business, Resident Of Near Nawapara Church, Police Station Gandhi Nagar, Ambikapur, District Sarguja (Chhattisgarh), Civil & Revenue District Surguja. (Chhattisgarh)

---- Petitioner

Versus

State Of Chhattisgarh Through The Police Station Katghora, District Korba. (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri B.P.Sharma, Advocate
For Respondent / State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

28/07/2015

Learned counsel for the petitioner submits that on a report lodged against the petitioner on alleged commission of offence under Sections 420, 468, 467, 471 / 34 of IPC and Section 21 of Mines and Minerals (Regulation and Development) Act, 1957 (for short 'the Act of 1957'), the police conducted investigation and charge sheet has been filed against the petitioner before the jurisdictional Magistrate. He submits that the entire case of the prosecution as reflected from the charge sheet does make out any case against the petitioner.

2. The petitioner had been carrying out activities of storage of coal only under a valid license issued by the competent authority. It is further submitted that the statement of the prosecution witnesses even if taken on their face value, do not make out a case of subjecting the petitioner for trial. In these extra ordinary circumstances, the petitioner has approached this Court for quashing entire criminal proceedings.

3. Having given my anxious considerations to the submission of learned counsel for the petitioner, at this stage, I am not inclined to go into the merits of the case in view of the fact that charge sheet has been filed before the Court below. The matter is likely to come up for consideration at the time of framing of charges.

4. At that stage, the petitioner would be at liberty to raise all the grounds which has been raised in this petition. In the event, charges are framed, the petitioner's remedy is to challenge the order of framing of charge by filing revision under Section 397 of CrPC.

5. In view of the remedy available to the petitioner and that the charges have not been framed, I am not inclined to examine the matter in these proceedings. Therefore, the petition is dismissed, however, with the liberty as stated above.

Sd/-

Manindra Mohan Shrivastava
Judge