

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 794 of 2015

1. Ramkumar Shrivastava, S/o. Shri Atma Prasad Shrivastava, aged about 55 years, Occupation- Service, Posted as Timer Keeper at Irrigation Department Pali, R/o. Village Pali, P.S. Pali, Civil & Revenue District Korba (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through : District Magistrate Korba, District Korba (C.G.)
2. Station House Officer, P.S. Pali, District Korba (C.G.)

---- **Respondents**

For Petitioner	:	Mr. Sunil Sahu, Advocate
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

1. The instant petition under Section 482 of Cr.P.C. is filed to quash the order dated 13.04.2015, passed in Criminal Case No.818/2009, passed by the learned Judicial Magistrate First Class Pali, District Korba (C.G.), State of Chhattisgarh Vs. Ganesh Prasad Soni & Others, wherein arrest warrant has been issued against the petitioner.
2. Learned counsel for the petitioner submits that on 02.11.1996, offence was registered and on 08.12.1997, anticipatory bail was granted to the petitioner. Thereafter, the charge sheet was filed on 07.07.2007 and bailable warrant was issued, however, without any service of bailable warrant, the arrest warrant has been issued. He would further submit

that the petitioner is having no knowledge about issuance of the bailable warrant, otherwise he would have appeared before the Court below. He would further submit that the order sheet also shows that bailable warrant was not served, therefore, the issuance of arrest warrant at the first instance, be quashed.

3. The State counsel opposes the same.
4. Having regard to the order sheet dated 25.07.2014, wherein it shows that bailable warrant was awaited, consequently, the arrest warrant has been issued, therefore, it appears that without any service of bailable warrant, the arrest warrant has been issued. Consequently, the arrest warrant which is issued against the petitioner is quashed. The petitioner shall appear before the Court below on 07.11.2015, which is stated to be the next date of hearing.
5. With such direction, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge