

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 201 of 2015

Smt. Devanti Bai W/o Laxminarayan Singh Aged About 43 years R/o Village Khanda, Thana Seepat, District Bilapur, At Present R/o Choubey Colony, Near Baghwa Mandir, Thana Sarkanda, District-Bilaspur, Chhattisgrah

---- Petitioner

Versus

Shri Prabhakar Gaval , Judicial Magistrate First Class, Bilaspur, Chhattisgarh

---- Respondent

For Petitioner : Shri Parag Kotecha, Advocate

Order On Board

20/07/2015

Heard.

1. Learned counsel for the petitioner submits that on an application made for joint trial of the two cases, one arising of a complaint and the other on the basis of police report in relation to the same offence against the same person, arising out of one and the same transaction, an order was passed by this Court on 11.12.2013 by which the Court below was directed to try and decide both the cases together by the same Court and on the same day. He submits that the Court below acted in complete deviation of the order passed by this Court by making an observation that the two cases are not joint.
2. A perusal of the order passed by the Magistrate shows that the order is equivocal . At one place, the Court has observed that both the cases are to be decided together and at the same breath, it has passed order that the cases are not clubbed together the word used is "*sanyojit*".
3. The Court below appears to have wrongly construed the order of this Court in its true spirit. The effect of the order passed by this Court would be same as one required to be undertaken under the provisions of Section 210 Cr.P.C. This Court intended to pass an order of joint trial as understood within the meaning of Section 210 Cr.P.C.

4. Let a copy of this order be placed before the learned Magistrate, who shall proceed to decide the case in accordance with the order passed by this Court.
5. Considering the text and tenor of the order as shown, this Court is of the opinion that this is not a case where the Court should initiate any contempt proceedings against the judicial officer.
6. The petition is accordingly finally disposed off. Records of the Court below be sent back forthwith for further proceedings.

Sd/

(Manindra Mohan Shrivastava)

Judge