

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 447 of 2012**

- Indal Singh Rathiya, S/o Santu @ Santram Rathiya, age 26 years, Caste Kanwar, Occup. - Agriculture, R/o – Vill. Behamuda, Gharghoda, Distt. Raigarh (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, through : P.S. Gharghoda, Distt. Raigarh (C.G.)

---- Respondent

For Appellant	:	Shri Sanjay Agrawal, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board By Pritinker Diwaker, J.**01/09/2015**

Shri Sanjay Agrawal, counsel for the appellant submits that present appeal was filed by the appellant on 11.05.2012 in relation to Sessions Trial No. 126/2004, however, during the pendency of the present appeal, present appellant – Indal Singh Rathiya filed another appeal on 19.06.2014, which was registered as Cr.A.No.561/2014 and in the Office note dated 19.06.2014 made in Cr.A.No.561/2014, it was mentioned that no other Criminal Appeal of the appellant – Indal Singh Rathiya is filed. He submits that in view of the wrong noting by the Registry, the subsequent appeal filed on behalf of appellant – Indal Singh Rathiya has been decided on 23.04.2015 whereas the counsel for the appellant in present appeal (Cr.A.No.447/2012) was still waiting for the decision of his appeal. He submits that earlier also Criminal Appeal No. 176/2005 was filed by Jugul Rathia and Bhawan Singh @ Bhuvan and the said appeal was decided by this Court on 22.01.2013 mentioning in the judgment that 'present appellant – Indel Singh has not preferred any appeal'. He submits that even this information given by the Registry was not correct because as on 22.01.2013

present appeal bearing registration No. 447/2012 was pending. Lastly, counsel for the appellant submits that as the subsequent appeal (Cr.A.No.561/2014) preferred by Indal Singh Rathiya has already been decided, he may be permitted to withdraw this appeal.

Considering the submissions made herein-above, counsel for the appellant is permitted to withdraw this appeal and the same is dismissed as withdrawn.

It appears that there are several lapses on the part of the Registry while noting incorrect facts. Registrar (Judicial) is directed to examine the facts and to conduct an enquiry on the administrative side in this regard and thereafter to submit a report.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(I.S. Uboweja)
Judge