

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 837 of 2015

1. Laxmilal Lodha, aged about 59 years, son of late Shri Bastimal Lodha,
2. Goresh Lodha @ Golu, aged about 33 years, son of Shri Laxmilal Lodha,
3. Gunjan Lodha, aged about 31 years, daughter of Shri Laxmilal Lodha,
4. Prashant Kumar Jain @ Tingu, aged about 39 years, son of Shri Ramanlal Jain
5. Pappu @ Dinesh Lodha, aged about 36 years, son of Subhash Jain,

Petitioners No.1 to 5 are resident of Sadar Bazar Motor Stand Ward, Dhamtari, All Caste Jain, Police Station Dhamtari, Tehsil and District Dhamtari (C.G.)

6. Ajay Choubey, aged about 45 years, son of Shri Kantilal Choubey, Caste Brahman, resident of Math Mandir Chowk Baniyapara, Dhamtari, Tahsil and District Dhamtari (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Police Station City Kotwali, Dhamtari, District Dhamtari (C.G.)

---- Respondent

For Petitioners	: Mr. Sandeep Yadav, Advocate
For Respondent/State	: Mr. Ashish Shukla, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/09/2015

1. Challenge in this petition is to the order dated 04.07.2015, passed by the learned Sessions Judge, Dhamtari (C.G.), in Criminal Revision

No.31/2015, whereby the order dated 07.05.2015, passed by the learned Chief judicial Magistrate, Dhamtari, District Dhamtari in Criminal Case No. 318/2015, is affirmed. The learned Chief Judicial Magistrate, Dhamtari has taken cognizance under Section 186, 294 & 506-II of I.P.C. against the petitioners.

2. Learned counsel for the petitioners would submit that Section 186 of I.P.C. is non-cognizable offence, therefore, until and unless the complaint is filed, it will not satisfy the ingredients of Section 200 of Cr.P.C. which mandates the complainant to make a statement on oath.
3. Reading of the order shows that cognizance has been taken under Section 294, 506-II and 186 of I.P.C. Section 155 (4) Cr.P.C makes a provisions that when two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.
4. In view of the fact that offence under Section 186 of I.P.C. are non-cognizable offence and the other offences are cognizable offence, no fault can be attributed of taking cognizance by the Court below.
5. In the result, I do not find any merit in this case to invoke the jurisdiction under Section 482 of the Code of Criminal Procedure. In a consequence, the petition has no merit and it is dismissed accordingly.

Sd/-
(Goutam Bhaduri)
Judge