

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.951 of 2015

Dr. Gulsan, D/o R.S.D. Malhotra, aged about 65 years, resident of
Gandhi Square, Korba, Tahsil and District Korba, Chhattisgarh

--- Applicant

Versus

M/s. Karuna Electricals, Through its proprietor Vijay Agrawal,
Resident of Power House Road, Korba, Chhattisgarh.

--- Respondent

For the applicant : Mr. Utkal Pradhan, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.10.2015

1. This petition is against the order dated 06.08.2015 passed in Criminal Revision No.24 of 2015 by the Additional Sessions Judge/Special Judge (Atrocities), Korba whereby the order passed by the learned trial Court on 27.02.2015 in Criminal Case No.307/2011 has been set aside and the original record of Criminal Case No.307/2011 along-with copy of order dated 06.08.2015 was remitted to the CJM Korba with a direction to take steps in accordance with provisions of Section 251 of the Code of Criminal Procedure.
2. Learned counsel for the petitioner submits that the case is pending since 2011 and on each and every date of hearing, for some reason or the other, applications are being filed and ultimately the hearing of the case is lingered on.
3. The question before this Court is about the illegality of the impugned order passed by the learned Additional Sessions Judge, Reading of the remand order dated 06.08.2015 would show that the charge was framed by the C.J.M, and in such

charge, nothing was specifically mentioned and some correction was made with small signature. The revisional Court recorded the finding that while framing the charge the trial Court has not recorded the plea and defence of the accused about denial of offence under the provisions of Section 251 of Cr.P.C. Since these averments are not found, the case was remanded to the trial Court to frame charges with specific averments of the facts as the case pertains to Section 138 of N.I.Act.

4. After going through the order, in the opinion of this Court, no ground is made out to invoke the jurisdiction under section 482 of Cr.P.C. In any case, perusal of the impugned order would show that the case has been remanded with a direction to frame proper charges, therefore, it do not lead to any illegality nor it will come within the purview of exceeding the jurisdiction of the court below. Consequently, I am not convinced to invoke the jurisdiction under Section 482 Cr.P.C., as I do not find any illegality in the impugned order warranting interference by this Court.
5. The petition has no merit and it is dismissed at the motion stage.

Sd/-

**GOUTAM BHADURI
JUDGE**