

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 997 of 2015

1. Uttam Singh Domir S/o Late Manohar Singh, Aged about 60 Years, Caste Sikh, Occupation- Transporter, R/o MIG/39-A, Chandela Vihar, Ring Road No.2, Jarhabhata, P.S. Civil Line, Tehsil- Bilaspur, Civil & Revenue District- Bilaspur Chhattisgarh. (Complainant)

---- Petitioner

Versus

1. Rajesh Kumar Manager, Through M/s Ashok Leyland Finance Pvt. Ltd. Suddarshan Building, 86 Chemiyar Road, P.O. Chennai (wrongly mentioned as Channai), District Chennai (wrongly mentioned as Channai), (Tamilnadu) - 600018.
2. Director M.P. Diesel Engineer Pvt. Ltd. Through Directors.
3. (A) Shri Shrikant Vasant Muthey R/o M.P. Agricultural Corporation "VASANTI SARAN", Opp. Rajkumar College, G.E. Road, Tehsil- Raipur, Civil & Revenue District- Raipur Chhattisgarh.
4. (B) Shri Vijay Vasant Muthey R/o M.P. Agricultural Corporation "VASANTI SARAN", Opp. Rajkumar College, G.E. Road, Tehsil- Raipur, Civil & Revenue District- Raipur Chhattisgarh.

---- Respondents

For Petitioner – Mr. Surfaraj Khan, Advocate.
For Respondents – None, not noticed.
Ms. M.Asha, Panel Lawyer to assist the Court.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16/03/2016

1. At the outset, learned counsel for the petitioner submits that they may be given liberty to file detailed application for the prayer of issuance of non-bailable warrant to accused Rajesh Kumar/respondent No.1 and the same may be disposed of in accordance with law without being influenced with the part of the said appreciation as in the order dated 18-08-2014 of the trial Court and also in the order of the revisional Court passed on 18-08-2015 in Criminal Revision No.186/14 as the earlier application dated 18-08-2014 does not contain the entire facts and circumstances in support of the said prayer.
2. The State counsel assisting the Court agrees with the submission of the petitioner and submitted that one reasonable opportunity is required to be given

to the petitioner to file a detailed application along with the facts and circumstances for the issuance of non-bailable warrant and the trial Court after due hearing may dispose of the same on its merit without being influenced with the orders as aforementioned.

3. On due consideration, the instant Cr.M.P. is disposed of and the order passed by the trial Court dated 18-08-2014 rejecting the prayer of the complainant for issuance of non-bailable warrant of arrest against accused Rajesh Kumar and also the order dated 18-08-2015 passed by the revisional Court in Criminal Revision No.186/14 are hereby quashed. The petitioner is directed to file a detailed application containing all the facts and circumstances required for the prayer regarding issuance of non-bailable warrant of arrest against accused Rajesh Kumar afresh. The trial Court is directed to dispose of the same without any delay after due hearing on the basis of the merit of the said interim application without being influenced with the aforesaid part of the order dated 18-08-2014 and the order of the revisional Court dated 18-08-2015, as expeditiously as possible. The trial Court is further directed to expedite the entire trial as per provisions of law as early as possible.

4. The petition disposed of.

5. Certified copy as per rules.

6. Registrar (Judicial) is directed to send copy of this order to the trial Court for further compliance.

7. The petitioner may also file copy of the order before the trial Court for compliance.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE