

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 1108 OF 2015

Kabir Ahmed, son of Late Jameel Ahmed, aged about 55 years, resident of Subhash Nagar, Maudhapara, Police Station Maudhapara, Tahsil & District Raipur, occupation- Advocate. Regular Member, Bar Association, Raipur (C.G.)

... Petitioner

Versus

State of Chhattisgarh, through the Collector, Raipur (C.G.)

... Respondent

For Petitioner	:	Mr. B.P. Sharma, Advocate.
For Respondent-State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/08/2016

1. The present petition under Section 482 CrPC has been filed by the Petitioner seeking for a direction from this Court for quashment of the order dated 30.4.2015 passed by the Chief Judicial Magistrate, Raipur, in Criminal Case No.15444 of 2014, whereby the Court has issued a permanent warrant of arrest against the Petitioner.

2. The said order dated 30.4.2015 was subjected to challenge by way of a revision being Criminal Revision No.224 of 2015. However, the Revisional Court also vide its order dated 18.9.2015 rejected the same affirming the order of the Chief Judicial Magistrate.

3. Learned Counsel for the Petitioner submits that this Court may take a lenient and sympathetic view in favour of the Petitioner particularly keeping in view the fact that the Petitioner is a Lawyer and is regularly appearing before the Court below. He further submits that in the instant case the requirement of provisions of law i.e. Section 299 of CrPC has not been appropriately complied with while showing the Petitioner to be an

absconder. He next submitted that the Petitioner seeks a liberty to move an appropriate application before the Court below and make himself present before the Court below along with the said application for cancellation of permanent warrant of arrest and also for grant of bail and if the said application is filed the same may be considered if possible on the same day.

4. Learned Counsel for the State opposes the petition on the ground that from the records the Petitioner appears to have deliberately tried to evade the process of law and abscond and therefore the authorities concerned were justified in showing himself to an absconder.

5. Having considered the facts brought before this Court, ends of justice would meet if in the given facts and circumstances particularly taking note of the fact that all the other accused persons have been acquitted in the main case except for the Petitioner who was declared as an absconder, the Petitioner can be permitted to move an appropriate application before the Court below for cancellation of the permanent warrant of arrest and seeking for grant of bail.

6. For for aforesaid reasons, the present Criminal Misc. Petition is disposed of with a direction that in the event if the Petitioner moves an appropriate application for cancellation of permanent warrant of arrest and also applies for grant of bail, the same shall be considered sympathetically in accordance with law if possible on the same day itself. It is made clear that this Court has not expressed any opinion on the merits of the case. The application if any filed shall have to be decided purely in accordance with law.

Sd/-

(P. Sam Koshy)
Judge