NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P No. 84 of 2016

P. L. Ramteke S/o Mr. P.R. Ramteke Aged About 61 Years R/o Bhilai-3, Distt. Durg Chhattisgarh Through Power Of Attorney Holder Anil Mishra Aged About 33 Years S/o Late Sharda Prasad Mishra Resident Of Shivanand Nagar Tehsil & Distt. Raipur Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through The Police Station Mahasamund Chhattisgarh

------Respondent

For Petitioner:	Shri Ankur Agrawal, Advocate.
For Respondent/State:	Shri Gary Mukhopadhyay, Deputy Government Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J

Order On Board

16.9.2016

1. Learned Counsel for the Petitioner prays for withdrawal of the Petition with liberty to approach the Court below for moving a fresh application under Section 457 Cr.P.C with all the available records that he has now in his possession. He submits that he has an apprehension that in case he moves an application, the State Counsel may oppose the same of having been earlier rejected vide its order dated 15.9.2015.

2. Without entering into the merits of the case, on perusal of the order dated 15.9.15, it is evident that the Petitioner's application under Section 457 Cr.P.C was rejected on the ground that there was no document enclosed along with the application to show the ownership and title over the said vehicle before the Court below. Learned Counsel for the Petitioner further submits that at the relevant point of time, he did not have the documents in his custody

on account of the fact that all these documents had been seized by the police authorities and now that he has obtained the photocopies of the same the original of which still lies with the State Counsel and therefore, he may be permitted to move a fresh application with all the relevant documents before the Court below.

3. The contentions floated by learned Counsel for the Petitioner are not opposed by the learned State Counsel who submits that he does not have any objection in case the Petitioner files a fresh application before the Court below for a fresh consideration of his application under Section 457 Cr.P.C enclosed with all relevant documents.

4. With the aforesaid observations, the instant Cr.M.P stands dismissed as withdrawn.

Sd/-

(P. Sam Koshy)
JUDGE

Priya