

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 1068 of 2017

Prakash Mishra @ Pappu, S/o. Shri Ram Manohar Mishra, Aged About 39 Years (Wrongly Mentioned As 28), R/o Village Gamju, Presently Residing At Tamerpara, Takhatpur, Thana Takhatpur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh, Through : The Station House Officer, Thana Janjgir, Janjgir, District -Janjgir -Champa, Chhattisgarh.

-----Respondents

For Petitioner : Mr. Amrito Das, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/08/2017

Heard.

1. Counsel for the petitioner submits that petitioner is facing trial before the Court of Chief Judicial Magistrate First Class, Janjgir, District – Janjgir-Champa in Criminal Case No.991/2012 for offence U/s. 420, 467, 468, 471 of Indian Penal Code.
2. Being aggrieved by the order of framing of charge dated 04.03.2004, petitioner filed a revision petition No.48/2006, before the Sessions Judge, Janjgir. Revision petition was decided by Additional Sessions Judge, Janjgir by order dated 19.03.2007 by allowing the revision petition and setting-aside the charge framed against the petitioner. It was directed that seized records and the report of handwriting expert

be perused and considered before framing of charges. This order could not be complied with in full and the report of handwriting expert could not be submitted by the prosecution before the trial Court. But the other seized documents etc. were found and considered by the trial Court. Thereafter, the charges were framed by order dated 28.07.2017 against the petitioner for offence U/s. 420, 467, 468 and 471 of Indian Penal Code.

3. It is further submitted that petitioner has moved revisional Court by filing criminal revision No.38/2017, before the Sessions Court, Janjgir in which the impugned order dated 03.08.2017 has been passed. No reference has been made in this order to the application for stay of proceedings presented by the petitioner and the case has been posted for final arguments on 22.08.2017. Hence this petition has been brought praying that the impugned order be set-aside.
4. Counsel for the State has opposed the arguments submitted and the grounds raised in this petition.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. Considering the facts and circumstances of the case, it is clear that revision petition filed by petitioner is still pending before the Sessions Court at Janjgir. The only grievance of the petitioner seems to be is this that his application for stay was not considered and revisional Court has passed the order for recording of evidence by the trial Court. As the date of recording of evidence have already passed and the next date for hearing on the revision petition is fixed on 22.08.2017, it would be proper to dispose off this petition with a direction. Hence, it is directed that, if the, Sessions Court, Janjgir-Champa is not able to

conclude the proceedings of the revision by passing a final order on the next date of hearing i.e. 22.08.2017, in that case, the application for stay of the proceedings before the trial Court, filed by the petitioner may be considered and decided without being influenced by any observation made in this order.

7. Accordingly, this petition is disposed off with the aforesaid directions.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram