

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1150 of 2017**

Shyamlal Sone S/o Shri B.R. Sone, Aged About 74 Years R/o
Village Malkharoda, Tehsil Malkharoda, District Jnajgir Champa,
Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through S.H.O., Police Station Balrampur,
District Balrampur, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Shakti Raj Sinha, Advocate.
For the State : Shri Lav Sharma, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****28.08.2017**

1. Heard.
2. Learned counsel for the petitioner submits that by order dated 31.07.2017, passed in CRMP No.951/2017, the petition was disposed of with a direction to the petitioner to appear before the Trial Court on 28th August, 2017 and it was also ordered that permanent warrant of arrest issued against the petitioner shall not be executed by the respondent/State till the date of hearing, before the Trial Court.
3. It is submitted by learned counsel for the petitioner that petitioner has appeared before the Trial Court and moved an application under Section 70 (2) read with Section 437 of the

Code of Criminal Procedure for cancellation of warrant of arrest and grant of bail, but due to unavailability of record, before the Trial Court, the application could not be decided till date, hence, the date of appearance of the petitioner before the Trial Court be, extended.

4. Learned counsel for the State has opposed the petition and the submission made in this respect.
5. Heard the counsel for the parties and perused the material placed on record.
6. Considering the previous order of this Court in CRMP No.951/2017 and the fact that the record of the case against the petitioner is not available before the Trial Court, presently it appears appropriate to give extension of the date of the appearance before the Trial Court. Hence, this petition is allowed at the motion stage. The date of appearance of the petitioner before the Trial Court is extended to 3rd October, 2017 and till that date execution of permanent warrant of arrest against the petitioner shall remain stayed. In the meanwhile, the Trial Court is also directed to decide the application of the petitioner.
7. Accordingly this petition stands disposed off.

Sd /-

(Rajendra Chandra Singh Samant)

Judge