

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 367 of 2017

- Girish Raj Dewangan @ Raju @ Nitu Dewangan S/o Late Kripashankar Dewangan Aged About 35 Years R/o Patharguda, Koshtapara, Jagdalpur, District- Bastar, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station- Jagdalpur, District Bastar, Chhattisgarh.

---- **Respondent**

For petitioner : Mrs. Savita Tiwari, Advocate

For Respondent/State : Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Ram Prasanna Shama

Order on Board

Per Pritinker Diwaker

21-7-2017

1. Petitioner herein was convicted by the trial Court vide judgment and order dated 19-3-1999 for committing the offence under Sections 376 and 302 of the IPC. The said judgment was challenged before this Court in Criminal Appeal No. 1441 of 1999. However, vide judgment dated 7-1-2015 the appeal was dismissed and the order of the trial Court was affirmed.
2. The judgment passed by this Court was challenged by the petitioner before the Apex Court, however, Special Leave Petition was dismissed on 2-7-2016. Subsequent to dismissal of SLP, the petitioner filed Cr.M.P. No. 787 of 2016 before this Court on the ground that on the date of commission of offence he was juvenile

and, therefore, direction be issued for conducting proper enquiry. On 18-11-2016 the said Cr.M.P., was withdrawn by the petitioner with liberty to file appropriate petition before the Apex Court. Instead of approaching the Apex Court, the petitioner has again filed the present Cr.M.P., praying almost same direction which was prayed in the earlier Cr.M.P.

3. In view of the order dated 18-11-2016 passed in Cr.M.P.No. 787 of 2016, we are not inclined to entertain the present Criminal Miscellaneous Petition.
4. Accordingly, the instant Criminal Miscellaneous Petition is dismissed.

Sd/-

(Pritinker Diwaker)
Judge

Sd/-

(Ram Prasanna Sharma)
Judge

Raju