

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr. M. P. No. 210 OF 2017**

1. Sukhdev Prasad S/o Bholu Prasad Aged About 40 Years R/o Vishrampur Nagar, Police Station Vishrampur, Tahsil & District Surajpur Chhattisgarh
2. Ramji Mandal, S/o Khago Mandal, Aged About 30 Years R/o Village Birhadhir, District Girdih (Bihar)
3. Leeladhar Mahto, S/o Khago Mahto, Aged About 35 Years R/o Village Bango, Tahsil Katghora, District Korba Chhattisgarh
4. Jagdish Prasad, S/o Babulal, Aged About 32 Years R/o Surajpur Nagar, Tahsil & District Surajpur Chhattisgarh

---- Petitioners

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Jaynagar, District Surajpur Chhattisgarh

---- Respondent

For Petitioners	:	Mr. Ajay Kumar Pandey, Advocate
For Respondent/State	:	Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Sanjay Agrawal, J.**Order On Board****17/02/2017**

1. This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred as 'Cr.PC.') by questioning the legality and validity of the order dated 20/12/2016 passed by Second Additional Sessions Judge, Surajpur in Criminal Revision No. 19/2016 by which, while affirming the order dated 20/05/2016 passed by Chief Judicial Magistrate, Surajpur in Criminal Case No. 1865/2015 has dismissed the revision.

2. Learned counsel for the petitioners submits that the order impugned has been passed without following due process of law and, therefore, the same deserves to be set aside.

3. On the other hand, learned counsel for the State supported the order impugned and submits that the matter is pending since 2000 and, therefore, both the Courts below have rightly directed for separate trial of these petitioners.

4. I have considered the submission of the parties and perused the entire records carefully.

5. On perusal of the record, it is clear that criminal case was registered on the basis of the complaint filed by one Munnalal Dhakad in the year 1995. On the basis of the said report, an offence punishable under Section 420 of the Indian Penal Code (hereinafter referred as 'IPC') was registered by the concerned Station House Officer and after investigation, final report was submitted on 03/12/2000 with regard to the offences punishable under Sections 420, 465 & 471 of the IPC against the petitioners along with other accused persons. The trial was pending since 2000 as some of the accused persons could not be arrested.

6. The trial Court, vide its order dated 20/05/2016 has observed that despite issuance of warrant of arrest, all the accused persons have not been arrested and because of that, the matter is pending. Therefore, the trial Court while exercising its powers under Section 317(2) of the Cr.P.C. has directed for separate trial of the petitioners.

7. Being aggrieved with the aforesaid order, the petitioners have preferred a revision before the Second Additional Session Judge, Surajpur who in turn, vide its order impugned has dismissed the same by holding that the order as passed

by the trial Court is interlocutory in nature and, therefore, the revision itself is not maintainable by virtue of Section 397(2) of the Cr.P.C.

8. Having considered the facts and circumstances of the case and the reasonings as assigned by both the Courts below, I do not find any merit in this petition and the Courts below have rightly directed for separate trial of the petitioners.

9. In view of the above, the petition being devoid of merits and is hereby dismissed at the motion stage itself.

Sd/-

(Sanjay Agrawal)
Judge

Yogesh