

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Cr.M.P. No.306 of 2017**

Raju Lal Tiwari, S/o late Durga Prasad Tiwari, R/o Sanjay Nagar,  
Tikrapara, Tahsil & District Raipur (CG).

**----Petitioner**

**VERSUS**

State of Chhattisgarh, through the District Magistrate, District Raipur  
(CG).

**---- Respondent**

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Mr. Pawan Kesharwani, Advocate |
| For State      | : | Mr. Gary Mukhopadhyay, Dy.G.A. |

**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order On Board**

**19/05/2017**

(1) The application under Section 70(2) of Cr.P.C. filed by the petitioner has been rejected by the trial Court vide order dated 18.11.2016. Against that order, the petitioner preferred a revision before the revisional Court, which has also been dismissed by the revisional Court, by its impugned order dated 13.02.2017 and affirmed the order of trial court, against which this petition under Section 482 of CrPC has been filed by the petitioner.

(2) Learned counsel appearing for the petitioner would submit that the petitioner has only charge-sheeted for the offence punishable under Section 432/34 of IPC, which is a bailable offence. He would further submit that the charge-sheet was filed without informing the petitioner and after filing of the charge-sheet, the trial Court started proceeding further with the case and since the petitioner was not aware about the said proceeding he could not appear before the trial Court and the trial Court on 04.07.2013 has issued arrest warrant against him. He would

further submit that the petitioner undertakes to present before the trial Court on each and every date given to him by that Court.

(3) On the other hand, learned counsel for the State would oppose the prayer made by the learned counsel for the petitioner.

(4) I have heard learned counsel for the parties and perused the impugned order.

(5) After hearing learned counsel for the parties and keeping in view the statement of the parties, I deem it expedient to grant an opportunity to the petitioner to appear before the trial Court.

(6) Accordingly, the impugned order dated 13.02.2017 is set-aside and the application under Section 70(2) of CrPC is allowed. It is directed that the petitioner shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(7) With the aforesaid direction, this petition is finally disposed of.

SD/-

**(Sanjay K. Agrawal)**  
Judge

L/-