

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No.536 of 2017**

Roop Chand Manhar @ Shiv Kumar Tiwari, S/o Shri Hori Lal Manhar, aged about 28 years, Caste Satnami, R/o Village Sargaon, Police Station Masturi, Civil & Revenue District Bilaspr (CG).

---- **Petitioner****Versus**

State of Chhattisgarh, through Station House Officer, Police Chowki CSEB, Police Station Kotwali, Korba (Wrongly mentioned through the District Magistrate Korba) Civil & Revenue District Korba (CG).

--- **Respondent**

For Petitioner	:	Mr. Paras Mani Shriwas, Advocate
For State	:	Mr. Arun Sao, Addl. Advocate General

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

28/04/2017

(1) The application under Section 437(6) of Cr.P.C. filed by the petitioner was rejected by the trial Court held that the petitioner is not entitled to grant benefit of under Section 437(6) of Cr.P.C. which has been affirmed by the 2nd Additional Sessions Judge, Korba 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 both the Courts below have concurrently declined to grant benefit of under Section 437(6) of CrPC to the petitioner which is absolutely

illegal and bad-in-law.

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

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

(5) After hearing learned counsel for the parties and taking into consideration the fact that the trial Magistrate as well as Additional Sessions Judge has clearly held that the petitioner is not entitled to grant benefit of under Section 437(6) of CrPC and sufficient and valid reasons have been assigned in rejecting the said application in which I do not find any jurisdictional error in the impugned order.

(6) Consequently, the petition deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-