

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No.576 of 2017**

Harish Gupta, S/o Shri Bhairao Prasad Gupta, aged about 35 years, Resident of Rampur, Tahsil Dongergaon, District Rajnandgaon (CG).

---- Petitioner

Versus

State of Chhattisgarh, through Police Station Khamtra, District Raipur (CG).

--- Respondent

For Petitioner	:	Mr. Jitendra Gupta, Advocate
For State	:	Mr. Gary Mukhopadhyay, Dy.G.A.

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

05/05/2017

(1) The petitioner's application under Section 437(6) of CrPC has been rejected by the trial Court and affirmed by the revisional Court finding no merit in the plea raised by the petitioner against which, this petition under Section 482 of CrPC has been filed by the petitioner herein.

(2) Learned counsel appearing for the petitioner would submit that both the Courts below have concurrently declined to grant benefit 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 Court as well as revisional court has clearly held that the petitioner is not entitled to grant benefit under Section 437(6) of CrPC. The sufficient and valid reasons have been assigned by the trial Court 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/-