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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1169 of 2017**

1. Bhawandas Sachdev S/o Sevalmal Sachdev, Occupation Business, R/o Village G 15-16 Pragati Vihar, Mahaveer Nagar New Puraina, Police Station New Rajendra Nagar, Raipur, Chhattisgarh.
2. Nimani Bai Sachdev, W/o Bhawandas Sachdev, Occupation Business, R/o Village G 15-16 Pragati Vihar, Mahaveer Nagar New Puraina, Police Station New Rajendra Nagar, Raipur, Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh Through S.H.O. Police Station, New Rajendra Nagar, Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For the Petitioners : Shri Vipin Punjabi, Advocate.
For the Respondent/ State : Shri Ashish Shukla, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****15.09.2017**

Heard.

1. This petition under Section 482 of the Code of Criminal Procedure, 1973 has been brought with prayer to set aside the order dated 14.07.2017, passed by the trial Court.
2. It is submitted by learned counsel for the petitioners that petitioners

are facing trial in Cr.Case No.137/2012 u/s 419, 420 of IPC and they were on bail. On 13.06.2017, the case was fixed for hearing, on that day petitioners could not appear before the Court and counsel also did not appear because of which their bail bond have been forfeited and warrant of arrest was issued against the petitioners. Petitioners moved an application under Section 70 sub-section 2 of Cr.P.C for cancellation of warrant of arrest, which has been rejected in an arbitrary manner.

3. It is submitted by the learned counsel for the petitioners that petitioners are senior citizens and they are keen and intending to participate in the proceedings before the trial Court. Because of the order passed by the trial Court, they are unable to give their appearance before the Court, hence prayed that impugned order be set aside.
4. Learned counsel for the State has opposed the petition and submits that if the case is disposed off with a direction then the State has nothing to oppose.
5. I have heard the learned counsel for the parties and perused all the documents placed on record.
6. As it is clear in the documents on record that petitioners were benefited with bail and they were not present as well as the counsel did not give his appearance before the Court. The application under Section 70 sub-section 2 of Cr.P.C has been rejected and witness present on the date, could not be examined because of the absence of the petitioners. This order appears to be arbitrarily, hence this petition is allowed accordingly.

7. The impugned order is set aside. Petitioners are directed to give their appearance before the court below and pray for cancellation of warrant and for grant of bail. Petitioners are directed to appear before the Court below on 05 October, 2017.
8. This petition stands disposed off.

Sd /-

(Rajendra Chandra Singh Samant)

Judge