

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1679 of 2017

Poonamchand Agrawal S/o Late Shri Lalchand Agrawal Aged About 48 Years R/o Behind Gandhi Ganj, Raigarh, Tehsil Post And District Raigarh Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh through Superintend of Police Raigarh Chhattisgarh.
2. R.D. Project, Through Its Director Shri Sunil Agrawal, S/o Ramdas Agrawal, Aged About 45, R/o Chandani Chowk, Raigarh Chhattisgarh.
3. Sub Divisinal Magistrate, Raigarh, District Raigarh Chhattisgarh.
4. Thana Incharge Police Station, Jute Mill, Raigarh Chhattisgarh.

--- **Respondents**

28 .11.2017	Mr. Harsh Wardhan, counsel for the Petitioner. Mr. Anupam Dubey, Panel Lawyer, for the State. Challenge in this petition is to the order dated 27.09.2017 passed in Criminal Revision No. 22/2017 wherein the Fourth Additional Sessions Judge, Raigarh has remanded the proceeding u/s 145 of the Code of Criminal Procedure to the SDM/respondent no.3 herein and has observed that both the parties shall be allowed to adduce their evidence and the direction has been given to decide the case afresh. Learned counsel for the petitioner would submit that in the light of the earlier order of the SDM dated 12.08.2016, the demarcation reports of the revenue officials which are on record either may be admitted in evidence or the petitioner may be allowed to adduce the evidence to prove the report and in such a case if the order dated 12.8.2016 attains the finality then again the petitioner shall

not be able to prove his case and place necessary evidence.

The order dated 27.09.2017 would show that the parties have been given opportunity to lead evidence. In such case the order dated 12.08.2016 which also touches upon the adducing evidence merges into the order, consequently the petitioner shall be at liberty to call for the necessary witnesses to prove the demarcation report and no prejudice would be caused to the petitioner. Therefore, I am not inclined to admit this petition in exercise of the power u/s 482 of Cr.P.C.

The petition stands disposed of with the aforesaid observation.

**Sd/-
GOUTAM BHADURI
JUDGE**

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