

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1347 of 2016

- Nand Lal Maitri S/o Khemlal Maitri, Aged About 42 Years, Occupation Cultivator Labourer, R/o Village Bade Khaira, Tahsil Sarangarh, Civil and Revenue District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Ajak Raigarh, District Raigarh Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vinod Tekam, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-08-2017

1. At the outset, learned counsel for the applicant would submit that he be permitted to withdraw instant MCRCA as the matter is covered under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act, 1989') wherein Section 438 of the Cr.P.C. is not applicable in the matter. Learned counsel for the applicant would further submit that he intends to surrender before the concerned Court of Judicial Magistrate First Class having jurisdiction and further intends to file an application under Section 437 of the Cr.P.C. He would further submit that the Court having jurisdiction may be directed to hear the matter and decide the said application as early as possible preferably on the same day.

2. As prayed, the instant MCRCA is disposed of as not maintainable without any appreciation on the merits involved. It is directed that if the applicant gives three days' prior notice to the I.O./S.H.O. of Police Station Ajak Raigarh, District Raigarh, C.G. in connection with Crime No.31/2016 for offence under Section 354 of the IPC and Section 3(1)(w), 3(2)(v) of the Act, 1989 regarding his surrender before the concerned Judicial Magistrate having jurisdiction and also gives three days' prior intimation to the concerned Judicial

Magistrate having jurisdiction and if the applicant thereafter surrenders as per law and files an application under Section 437 of the Cr.P.C., then after completion of all formalities required under the law by the concerned police and the concerned Judicial Magistrate, the said application for release on bail be disposed of as expeditiously as possible preferably on the same day.

3. The applicant may file copy of this order before the concerned Court having jurisdiction for compliance.

4. Registrar (Judicial) is also directed to send copy of the order to the concerned Judicial Magistrate having jurisdiction through usual mode and fax mode immediately.

5. The MCRCA is accordingly disposed of.

6. Certified copy today.

Sd/-

(Chandra Bhushan Bajpai)
Judge