

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1376 of 2016**

Deepak Singh S/o Shri Trilochan Singh Aged About 35 Years R/o
Nevra (Kota), Police Station Kota, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Chakarbhatta, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Amit Singh, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21-6-2017**

1. At the outset, learned counsel for the applicant submits that the applicant intends to surrender before the trial Court i.e. JMFC Bilha in Criminal Case No. 955/2011 Crime No. 257/2009 under Section 13 of the Gambling Act, 1867 wherein permanent non-bailable warrant of arrest has been issued against the applicant on 15-5-2013. Learned counsel proposes that the applicant shall appear before the trial Court on 28-6-2017. It is prayed that his application under Section 437 of the Cr.P.C. may be directed to be disposed of on its merit on the same day including any proceedings to be initiated under Section 446 of the Cr.P.C. as per law against the applicant and his surety if any.
2. Prayer of the applicant is opposed on behalf of the learned counsel for the State on the ground that the applicant is in habit of non-appearance in the court including once he absconded from the court room despite the order to furnish bail bond.
3. Perused the entire matter.
4. On due consideration, instant MCRCA is disposed of without any appreciation on its merit. The trial Court is directed that if the applicant surrenders before the trial Court on 28-6-2017 at 11 am

positively and if he files an application under Section 437 of the Cr.P.C., the same may be heard and disposed of on the same day as for as possible. Meanwhile, the Court below shall arrange for availability of the record as expected. It is further observed that the Court may in addition to disposal of said petition under Section 437 of the Cr.P.C., may initiate proceedings under Section 446 of the Cr.P.C. against the applicant and his surety as the case may be, if not proceeded earlier.

5. Copy of the order be sent immediately through usual and fax mode to the Sessions Judge, Bilaspur for its onwards transmission towards the trial Court immediately without any delay.
6. MCRCA is accordingly disposed of.
7. Certified copy today.

Sd/-
(Chandra Bhushan Bajpai)
Judge