

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1582 of 2017

Jai Kashyap S/o Shri Tularam Kashyap Aged About 23 Years R/o Pendri Khurd, Pandariya, Police Station Pandariya, Tahsil Pandariya, District Kabeerdham, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Pandariya, Tahsil Pandariya, District Kabeerdham, Chhattisgarh.

2. Prakash Kashyap S/o Dhuri Kashyap Aged About 45 Years Applicant / Complainant / Injured Victim In Cr R 554/2005 R/o Village Pendri Khurd, Pandariya, Police Station Pandariya, Tahsil Pandariya, District Kabeerdham, Chhattisgarh

---- Respondents

6/12/2017	Shri Vijay K. Deshmukh, counsel for the applicant Shri Suryakant Mishra, PL for the State. Heard. It appears that in the order dated 29/08/2017 at para-12 name of one Jai S/o Tularam had appeared as R-4 whereas in original Criminal Revision No.544/2005 filed by the complainant/injured was only against Sukhlal, Ajit, Vijay and Tularam. Perusal of the record would show that at para 12 name of Jai R-4 has been wrongly appeared because of the error occurred for reason that in the original order of JMFC dated 27/08/2005 Jai was also an accused. However when the revision was filed before this court he was not arrayed an an respondent and only 3 respondents were party. The order of this court however has ordered for restoration of order of JMFC whereby sentence so awarded by it was restored by modifying the order of 1st ASJ in Criminal Appeal No.12/2005. Consequently, order dated 29/08/2017 passed by this court is

modified to the extent at para 12 'word R-4 Jai' may be deleted and order of the JMFC dated 27/08/2005 passed in Criminal Case No.18/2005 is restored in respect of R-2 Sukhlal, R-3 Ajit and R-4 Vijay. With respect to Tularam his number may be read as R-5 as has been shown in Criminal Revision No.544/2005.

Consequently, the order dated 29/08/2017 shall not be operating and have an affect on Jai who was not party before this court in revision and thereby no further consequential execution is required in respect of the person named Jai.

With such observation, the petition stands disposed.

Sd/-

Goutam Bhaduri

Judge