

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1098 of 2018

Tahid Subhani S/o Mohd. Tohid Aged About 42 Years R/o House No. 437/10 Khan Badi Talapara P. S. Civil Line Bilaspur District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. Dilip Goswami S/o Ramchandra Goswami Aged About 46 Years R/o Chandra Chowk, Hemunagar, Bilaspur, P. S. Torwa, Tahsil And District Bilaspur Chhattisgarh

2. State Of Chhattisgarh Through P. S. Ratanpur District Bilaspur Chhattisgarh

---Respondents

22/06/2018	Shri P.K. Tulsiyan, counsel for the petitioner. Shri Arvind Shrivastava, counsel for respondent No.1. Shri Sangarsh Pandey, Dy.G.A. for the State. At the very outset, learned counsel for the petitioner submits that prayer was made by an application to continue two criminal cases out of which one is complaint u/s 135 of Negotiable Instruments Act and another case is lodged which commenced on the report of the petitioner. It is stated the incident started on the basis of monetary transaction. It is stated that the facts could not be properly put forth before the court below so as to consider the same and the court below without going into merits simplicitor only on the caption of the application has adjudicated the case while holding that facts of case do not fall under Section 210(2) of the Cr.P.C. It is contended that therefore he may be given liberty to move suitable application before the court below. Considering the prayer made, perusal of the order shows that the lower court has not appreciated the facts as to whether both the cases for which prayer was made to continue them together worth to be tried together or not has dismissed the application by considering the caption/heading of the application moved before it. Therefore, liberty is given to the petitioner to

move suitable application with all detail so that lower court may consider the application by examining facts of both the cases. It is ordered that trial court shall consider the same without being influenced by the earlier order of dismissal and accordingly the order is set aside with a direction to reconsider the same by examining the merits.

With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

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