

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 491 of 2018

Jamuna Prasad Jaiswal S/o Late Shri Radeh Shayam Jaiswal Aged About 64 Years R/o Village Marwahi, Thana Marwahi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Home (Jail), Ministry, Mahanadi Bhavan, New Raipur, District Raipur Chhattisgarh
2. The District Magistrate, District Bilaspur Chhattisgarh
3. The Station House Office, Station In-Charge, Police Station Marwahi, District Bilaspur Chhattisgarh
4. Dr. Reshma Ansari, D/o Ashraf Caste - Muslim, R/o Nayapara, Shankar Chowk, Marwahi, Thana, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Deepak Kumar Singh, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/09/2018

The petitioner has approached this Court by filing this petition assailing proceedings including issuance of permanent arrest warrant issued on 20/02/2018.

2. According to learned counsel for the petitioner, the offences, for which charge sheet was filed before the Magistrate, are bailable in nature. It is the case of the petitioner that before filing charge sheet before the Magistrate, the petitioner was not noticed and the police has wrongly stated that the petitioner is not appearing and is absconding.

3. It appears that after taking statement of the police officer by the Station House Officer, who submitted charge sheet in the Court, the Magistrate has issued

permanent warrant of arrest without taking recourse to the provisions relating to issuance of summons and bailable warrant.

4. In that view of the matter, considering that the petitioner has remedy to apply for cancellation of permanent warrant of arrest by moving appropriate application under Section 70 (2) of the CrPC, this petition is disposed off with liberty to the petitioner to apply for cancellation of warrant before the Magistrate and if such application is made, the Magistrate shall duly consider and shall take decision, as earlier, no summons or bailable warrant was issued to the petitioner and the petitioner is otherwise willing to participate in the proceedings by due appearance.

Sd/-

(Manindra Mohan Shrivastava)
Judge