

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 784 of 2014

Prem Singh Chouhan S/o Late D.S. Chouhan Aged About 76 Years,
R/o Smriti Bhawan, Near Green Chowk, Station Road, Durg C.G.
491001.

---- Petitioner

Versus

1. L.M.Pandey S/o M.M. Pandey Aged About 68 Years, R/o EWS-1,
Vaishali Nagar, Bhilai, Tah. And Distt. Durg C.G.
2. Lakhanlal Sharma, Advocate, S/o Late R.K. Sharma R/o
Subhash Nagar, Durg Tahsil And Distt. Durg C.G.

---- Respondents

For petitioner - Shri Jitendra Gupta, Advocate.

For respondents – Shri H.B. Agrawal, Sr. Advocate with Shri Pankaj
Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

05/01/2018

Heard.

1. Instant petition is against the order dated 4/07/2014 wherein initial order dated 10/08/2011 wherein summons were directed to be issued to the respondents which was subject of challenge before the 6th Additional Sessions Judge, Durg in criminal revision. The 6th Additional Sessions Judge, Durg in Criminal Revision No.82/2013 has remanded the case back to the Judicial Magistrate with a direction to hear argument of both the counsel afresh and pass appropriate orders for registration of the case.
2. Perused the order of the 6th Additional Sessions Judge, Durg passed on 4/07/2014. After going through the same, I do not find any illegality in such order as the order only calls upon parties to rehear before the Judicial Magistrate and present their submission so that the case may be heard afresh. No prejudice is caused to either of the parties. Parties are free to place their submission before the Judicial Magistrate.

Consequently, for the reasons assigned in the order dated 4/07/2014 same cannot be termed as illegal and also concluding part of the order would show that no prejudice is caused to the parties. Parties may appear before the court and present their case before the Judicial Magistrate. In view of the same, no case is made out for interference in the order dated 4/07/2014 in exercise of power under section 482 of Cr.P.C.

3. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE