

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1145 of 2017

Vinod Kumar Khare S/o Laxmiprasad Khare, Aged About 55 Years
Sub Engineer, Indira Gandhi Krishi Vishvavidyalaya, Labhandi,
Police Station Telibandha, Tahsil And District Raipur, Chhattisgarh,
Resident Of Nilanchal Vihar Colony, Kachna Road, Khamardih,
Shankar Nagar, Tahsil And District Raipur, Chhattisgarh.,
Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Anti Corruption Bureau, Raipur,
Chhattisgarh., Chhattisgarh

---- Respondent

For petitioner – Shri L.C. Dash, Advocate.
For State- Shri Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/01/2018

Heard.

1. Learned counsel for the petitioner submits that the petitioner has been prosecuted under Section 344 of the Cr.P.C. by the trial court at the time of the judgement has formed an opinion that the petitioner as a witness has adduced false evidence before the court. He submits that appeal has already been preferred by the accused, therefore by virtue of sub section 4 of Section 344 of the Cr.P.C. proceeding should have been stayed which has been initiated in the MJC No.23/2017.
2. Perusal of order Annexure P-2 would show that original accused has preferred an appeal which is against judgement and conviction dated 30/03/2017.
3. In view of this, petitioner shall be at liberty to move an application under sub section 4 of Section 344 of Cr.P.C. making reference that Criminal Appeal No.574/2017 has been preferred by the accused Arvind Shrivastava. On such application being moved, the trial court shall decide

the same in accordance with the provisions of sub section 4 of Section 344 of the Cr.P.C. Petitioner shall be at liberty to move the application within a period of one month from today.

4. In the meanwhile, proceeding of MJC No.23/2017 shall remain stayed.

5. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE