

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 194 of 2019**

Mirza Dawood Baig, S/o Late Shri Mirza Aalam Baig, aged about 58 years, R/o-250, M.R. Colony, Tagore Nagar, P.S. - Kotwali, Raipur, Civil & Revenue Distt.-Raipur (C.G.)

---- **Petitioner**

**Versus**

State of Chhattisgarh, through District Magistrate, Raipur, District Raipur (C.G.)

---- **Respondent**

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|----------------|---|-------------------------------------------|
| For Petitioner | : | Mr. Sunil Sahu, Advocate.                 |
| For Respondent | : | Mr. H.S. Ahluwalia, Dy. Advocate General. |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board**

**22/11/2019**

(1) The petitioner is facing trial for commission of offence under Sections 498A, 323, 377 and 406 read with Section 34 of the Indian Penal Code. In that case, the prosecution has filed an application under Section 173 (8) of the Cr.P.C. for further investigation to collect the material for proving the offence under Section 406 of the IPC.

The said report is still awaited.

(2) Meanwhile, the trial Magistrate has directed that for awaiting the report, further proceeding of the trial cannot be stayed. Petitioner preferred revision thereagainst. The revisional Court has dismissed the revision, against which this petition under Section 482 of the Cr.P.C. has been preferred.

(3) Learned counsel appearing for the petitioner would submit that without submitting

further investigation report by the prosecution, the trial Court could not proceed further with the trial.

(4) Per contra, Counsel for the State would support the impugned order.

(5) I have heard learned counsel appearing for the parties and perused the impugned order with utmost circumspection.

(6) Arguments on behalf of the petitioner cannot be accepted for two reasons; *firstly* that the petitioner has not filed any application that the trial be stayed till the further investigation report is received; and *secondly* it is not the application of the petitioner for further investigation, on which some direction has been made for further investigation, it is application filed by the prosecution, which has been allowed, and further investigation has been directed to be made. Since the petitioner has not made any request for staying the further proceeding of the trial till the further investigation report is submitted, the trial Court is absolutely justified in proceeding with the matter and the revisional Court has rightly affirmed the same, which is neither perverse nor illegal. I do not find any illegality or perversity in the order impugned warranting interference under Section 482 of the Cr.P.C.

(7) Accordingly, the Cr.M.P. fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)  
Judge

D/-

