

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 177 of 2019**

Shanti Soni, S/o. Late Shri Sampat Lal Soni, Aged About 56 Years, R/o. Village - Mahimad, Village - Udangi, Tahsil & Police Station Sipat, District Bilaspur, Chhattisgarh. Present Address : B/21, Vijaypuram Colony, Sipat Road Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Home And Police, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh.
2. The Superintendent Of Police Bilaspur, District Bilaspur, Chhattisgarh.
3. The Station House Officer, Police Station Sipat, District Bilaspur Chhattisgarh.
4. Pawan Sahu, S/o. Shri Chandan Lal Sahu, Aged About 31 Years, R/o. Village - Kuli, (wrongly mentioned as Duli In Case No. 13808/14's record), Police Station Sipat, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner : Shri Rishi Rahul Soni, Advocate

For State/Respondents : Shri Akash Pandey, Panel Lawyer
No.1 to 3.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20.03.2019**

Heard.

1. The present petition is to expedite the arrest of Respondent No.4 in a proceeding under Section 138 of Negotiable Instrument Act.
2. It is contended that despite different opportunities given and notice issued, the accused has not been served though in the case under Section 138 of Negotiable Instrument Act cognizable was taken in the year 2012.
3. Perusal of the order sheet dated 20.09.2018 would show that the trial Court has proceeded under Section 299 of Cr.P.C. and permanent arrest warrant has been issued. Therefore, no further order can be made by this Court as the proceeding as available under the law has already been taken.

4. The petitioner, if so advised, may approach to the higher police officers with the whereabouts of the respondent No.4 so that the proceeding under Section 138 of Negotiable Instrument Act may continue further with fruitful result. The petitioner, if so desire, may make a representation to the Superintendent of Police and in such case the Superintendent of Police may pass the suitable direction within a period of 30 days.
5. With such observation, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge

ashok