

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1510 of 2019

- Applicant

1. Swapnil Devdas S/o Man Singh Devdas, Aged about- not known, R/o Jhanda Chowk, Sanjay Nagar, Tikarapara, Raipur, District Raipur Chhattisgarh.
2. Yashwant Masih @ Chhotu S/o Maniram Masih, Aged about-not known, R/o Near Ambedkar Chowk, Chhattisgarh Nagar, Police Station Tikarapara, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Applicant-State :- Shri K.K. Singh, G.A.

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

10/07/2019

1. Heard.
2. The matter is posted in default for non-filing of certified copy

of judgment dated 09.02.2018.

3. Learned State counsel would submit that the State had earlier preferred Cr.M.P. No.253/2019, which was posted for hearing in default on 25.01.2019. On the said date this Court allowed 4 weeks' time to remove the default failing which the Cr.M.P. was directed to be dismissed without further reference to the Court. Since default could not be removed within 4 weeks the Cr.M.P. was treated to be dismissed. The certified copy of Judgment dated 09.02.2018 is annexed in the record of Cr.M.P. No.253/2019.
4. If an earlier Cr.M.P. was dismissed for non-compliance of Court's order, the appropriate course open to the applicant was to move an application for restoration of the earlier Cr.M.P. Successive Cr.M.P. against the same impugned judgment would not lie.
5. In view of the above, the Cr.M.P. is dismissed as not maintainable. Liberty is reserved in favour of applicant to move prayer for restoration of Cr.M.P. No.253/2019.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge