

HIGH COURT OF CHHATTISGARH, BILASPURCr.M.P. No.203 of 2017

Rajendra Gupta S/o Chote Lal Gupta, Aged about 50 years, R/o
Village Ghorda, P.S. Lalbagh, District Rajnandgaon (CG)

--- Petitioner

Versus

State of Chhattisgarh through Police Station Khamtarai, Raipur,
District Raipur (CG)

--- Respondent

For Petitioner	: Mr.Surendra Kumar Dewangan, Advocate
For Respondent	: Mr.Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Sanjay K. AgrawalOrder on Board29/04/2019

1. The petitioner's application filed under Section 437(6) of the CrPC has been rejected by the Judicial Magistrate First Class, Raipur by order dated 27.8.2016, against which, he preferred criminal revision before the 9th Additional Sessions Judge, Raipur, which has also been dismissed affirming the order passed by the trial Court, against which, this petition under Section 482 of the CrPC has been filed.
2. Mr.Surendra Kumar Dewangan, learned counsel for the petitioner, would submit that the impugned order is unsustainable and bad in law and the petitioner is entitled for privilege under Section 437 (6) of the CrPC.
3. On the other hand, Mr.Chandresh Shrivastava, learned Deputy Advocate General for the respondent/State, would support the impugned order.
4. I have heard learned counsel for the parties and considered their

rival submissions made hereinabove also went through the records with utmost circumspection.

5. Two Courts below taking into consideration the gravity of offence which the petitioner is charged under Sections 420/34, 467/34, 468/34, 471/34 and 120B of the IPC declined to exercise the jurisdiction conferred under Section 437(6) of the CrPC, which is discretionary in nature and rejected the application of the petitioner, which is neither perverse nor contrary to record. I do not find any merit in this petition.
6. Accordingly, the CrMP being devoid of merit is liable to be and is dismissed. However, considering the fact that the petitioner is in jail since 19.6.2015, the trial Court is directed to conclude the trial Court within three months from the date of receipt of a copy of this order. A copy of this order be sent to the concerned trial Court by E-mail/fax.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-