

HIGH COURT OF CHHATTISGARH, BILASPUR
W. A. No. 651 of 2018

Arun Singh Thakur S/o Late B.S. Thakur Aged About 54 Years R/o Tifra, Bilaspur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya Naya Raipur.
2. Director General Of Police, Police Head Quarter, Indrawati Bhawan, Naya Raipur, Chhattisgarh.
3. Inspector General Of Police, Bilaspur Range, Bilaspur Chhattisgarh.
4. Superintendent Of Police, Bilaspur Chhattisgarh.
5. Station House Officer, Police Station Civil Lines, Bilaspur Chhattisgarh.
6. Vaibhav Jain S/o Shri Vimal Chand Jain Aged About 41 Years R/o Choubey Colony, Raipur Chhattisgarh.
7. Vimal Chand Jain, S/o Shri Maniklal Jain Aged About 64 Years R/o Choubey Colony Raipur Chhattisgarh.
8. Amit Singh Thakur S/o Late Kunwar Singh Thakur Aged About 42 Years R/o Parijat Extension, Nehru Nagar, Bilaspur Chhattisgarh.

---- Respondents

For Appellant	: Shri B.P. Sharma, Advocate.
For the respective respondents.	: Shri R.S. Baghel, Dy, AG, Shri, Animesh Tiwari and Shri Rajeev Shrivastava, Advocates.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

Per Ajay Kumar Tripathi, Chief Justice
14.02.2019

1. Without going into the merit of the issue with regard to maintainability of this appeal, as such the admitted position being that WP(Cr). No.462/2018 was allowed by the learned Single Judge vide its order dated 13.08.2018 without any notice or opportunity of hearing to respondent No.8 who is the appellant here, an *ex-parte* order having serious consequences ought not to have been passed without hearing the affected party.

2. In view of the same, the order dated 13.08.2018 is quashed and the matter is remanded back to learned Single Judge for fresh hearing by giving an opportunity to the present appellant.
3. The Court directs learned counsel Shri B.P. Sharma who represents the appellant before the Division Bench to file his appearance in WP(Cr). No.462/2018 and assist the Court. No separate notice is required to be issued by the learned Single Judge to the appellant. Let power be filed on behalf of the appellant by 20.02.2019.
4. The moment power is filed on behalf of the appellant in WP(Cr). No.462/2018 his name will be shown in the daily cause list.
5. The appeal stands disposed off.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge