

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1085 of 2017**

Tula Ram, S/o Shri Makaruram Nirala, aged about 34 years, R/o village – Barbhata (Chhind), Tahsil &, P.S. Sarangarh, Distt. Raigarh, Civil and Revenue Distt. Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh through District Magistrate, Raigarh, Distt. Raigarh (C.G.)
2. The Sub Divisional Magistrate, Sarangarh, Distt. Raigarh (C.G.)

---- Non-applicants.

For Applicant	:	Mr. M.K. Sinha, Advocate.
For Non-applicants	:	Mr. R.K. Bhagat, Dy. Govt. Advocate.

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

21/06/2019

Heard on admission.

(1) Petitioner was served with order passed under Section 111 of the CrPC to appear on 09.03.2017 to execute a bond for a period of one year for good conduct, which he questioned by way of filing revision before the revisional Court. The Revisional Court dismissed the revision by the impugned order, against which instant petition under Section 482 of the CrPC has been preferred.

(2) Learned counsel appearing for the petitioner would submit that order passed under Section 111 of the CrPC is contrary to law as the procedure contemplated under Section 116 (3) of the CrPC has not been followed while issuing such notice and, therefore, the impugned order is liable to be set aside.

(3) Per contra, learned Counsel appearing for the State pointed out that the period

of order dated 21.02.2017 passed by the SDM, Sarangarh for taking preventive action against the applicant has already come to an end and it has already lost his life.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(5) Since the period of order dated 21.02.2017 passed by the SDM, Sarangarh for taking preventive action against the applicant has already come to an end and it has already lost his life, it is not required to be set aside. However, order dated 21.02.2017 will not prejudice the petitioner in any way.

(6) With the aforesaid observations, the Cr.M.P. is closed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

