

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2421 of 2018**

Pradeep Kumar Sharda S/o Late Radheshyam Sharda Aged About
65 Years R/o S.B.I. Colony Nainghad Road ,district Morena, Madhya
Pradesh . **---- Petitioner**

Versus

State of Chhattisgarh through Food Inspector controller Food and
Drugs Administration Department of Health & Family Welfare
Indrawati Bhawan Atal Nagar (Erswile Naya Raipur Chhattisgarh.),
District : Raipur, Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Vaibhav Singh, Advocate.
For the Respondent	:	Mr. Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****10.01.2019**

1. Heard.
2. The present petition is against the order dated 05.10.2018 passed by the JMFC, Sakti whereby the petitioner has been declared as absconder and permanent arrest warrant was issued.
3. Learned counsel for the petitioner submits that the entire order sheets would show that at no point of time, the petitioner was ever served warrants and even after non-service ofailable warrant, the arrest warrants were issued which is against the procedure and norms of the Code of Criminal Procedure. He further submits that the petitioner wants to cooperative with the proceeding and if he is given an opportunity to appear before the Court below, then the purpose would be served as there has been serious failure in following the provisions of the code of criminal procedure.
4. A perusal of the order sheets right from 07.05.2010 would

show that the petitioner was arrayed as accused No.7 and initially a bailable warrant was issued and since the bailable warrants were not served, arrest warrants were issued on 06.12.2012. Therefore, the order sheet shows that the petitioner was not served and eventually the permanent arrest warrant has been issued. In any case, it appears that the petitioner was not at all served in respect of the complaint case despite issuance of warrants/notices through the concerned Superintendent of Police.

5. A perusal of the order sheet dated 05.10.2018 shows that by such order the accused has been declared as absconder without service of notice of bailable warrant or arrest warrant to him. Therefore, the said order dated 05.10.2018 appears to have been passed even without service to the petitioner.
6. Under the circumstances, the order dated 05.10.2018 passed by the trial Court is set aside. The petitioner is directed to appear before the concerned Court on 15.02.2019 and on his appearance, the petitioner may seek regular bail in accordance with provisions of law and procedure available to him.
7. With such observation/direction, the petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**