

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 224 of 2020

Sukalu S/o Pandeyram Aged About 28 Years Occupation
Mistri, Village Tiwaragudi, Police Station Ramanujnagar,
District Surguja, Chhattisgarh. **---- Petitioner**

Versus

State of Chhattisgarh Through Police Station Patna, District
Koriya, Chhattisgarh. **---- Respondent**

For petitioner : Mrs. Meena Shastri, Advocate

For State : Mr. Afroj Khan, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma

Oral Order

27/01/2020

1. This petition is preferred under Section 482 of Criminal Procedure Code for modification of the Judgment dated 17-12-2019 which is delivered in Criminal Appeal No. 8838 of 2001 against the judgment dated 21-08-2001, passed by learned First Additional Sessions Judge, Baikunthpur (Koria), (C.G.), in Sessions Trial No.210 of 2001, wherein the said Court has convicted appellants for commission of offence under Section 376(1) of the IPC and sentenced him to undergo rigorous imprisonment for seven years.
2. Learned counsel for the petitioner submits that prosecutrix(PW-10) is supported the version of the prosecution and the appellant is in jail since 3 years and 5 months i.e. more than 3 years and 5 months, therefore, either he be acquitted and his sentence may be reduced to the period already undergone by him. Learned Counsel for the appellant further placed reliance in the matter of **Ambadas**

Laxman Shinde and Others Versus State of Maharashtra, reported in **SCC (2018) 18 Supreme Court Cases 788**. After hearing the learned counsel for the petitioner this Court is of the view that petition is liable to be dismissed at motion stage.

3. The petitioner preferred the present petition against the said judgment which was decided on merit by this Court. The petitioner is again willing to argue the case on merit which is not permissible under the law. The Law cited above on behalf of the appellant is also not admissible. In the facts and circumstances of the case, Section 482 of Cr.P.C. saves the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. The case i.e. CRA No. 838 of 2001 has already been decided by this Court which can not be reopened on the basis of the application filed by the petitioner.
4. Accordingly, the present petition is dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge