

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 411 of 2020

Shivkumar Miri, S/o. P.R. Miri, aged about 45 years, R/o. Bhatgaon, Police Station - Bilaigarh, District Balodabazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh, Through - The District Magistrate, District Balodabazar - Bhatapara Chhattisgarh. (Police Station Sarsiva, District Balodabazar - Bhatapara Chhattisgarh)
2. Nohit Kumar Saket, S/o. Ramnath Saket, aged about 48 years, R/o. Village Dumarugarh, Police Station Sarsiva, District Balodabazar - Bhatapara Chhattisgarh.

-----Respondent

For Petitioner	: Mr. Sumit Singh Rathore, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/03/2020

1. This petition has been brought against the order dated 10.01.2020, passed by the Sessions Judge, Balodabazar (C.G.) in Criminal Appeal No.10/2020, by which the learned appellate Court has allowed the application filed by the respondent No.1 under Section 5 of the Limitation Act and condoned the delay in filing the appeal and also the appeal has been admitted by the same order.
2. It is submitted that the applicant had been not been given any opportunity of hearing before passing of the impugned order, therefore, the order passed is bad-in-law.

3. State counsel opposes the petition and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considering that the applicant should also have an opportunity to oppose the application filed by the respondent No.1 in criminal appeal, therefore, this revision petition is allowed at motion stage. The impugned order is set-aside and the learned Sessions Court is directed to reconsider the application of the respondent no.1 filed under Section 5 of the Limitation Act after giving opportunity to oppose the application to this applicant and decide the same in accordance with law.
6. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge