

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 666 of 2020**

Natthu Singh, Aged about 64 years, S/o Bodhan Singh, R/o Village Rohrakhurd, Police Station, Tahsil and District Mungeli, Chhattisgarh.

---Petitioner

Versus

1. Vishwanath Singh, Aged about 63 years, S/o Ajit Singh.

2. Mohan Singh, Aged about 70 years, S/o Ajit Singh.

3. Bahadur Singh, Aged about 50 years, S/o Ajit Singh.

All are R/o Village Rohrakhurd, Police Station Tahsil and district Mungeli, Chhattisgarh.

4. State of Chhattisgarh, Through Station House Officer, Police Station City Kotwali Mungeli, District Mungeli, Chhattisgarh.

--- Respondents

For Petitioner :- Mr. Ratnesh Kumar Agrawal, Advocate
For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/03/2020

1. The present petition under Section 482 of the Cr.P.C. has been filed against the impugned order dated 27/02/2020 passed by the revisional Court affirming the order dated 22/10/2019 passed by the trial Magistrate stating *inter alia* that the

proceeding initiated by respondents No. 1 to 3 herein was dismissed in default on 07/08/2019 but thereafter, on 17/10/2019, application for restoration along with an affidavit of the power of attorney holder of applicant No. 2 therein was filed which was allowed and learned trial Magistrate restored the proceeding under Section 145 of the Cr.P.C. against the petitioner.

2. Mr. Ratnesh Kumar Agrawal, learned counsel for the petitioner would submit that the proceeding under Section 145 of the Cr.P.C. could not have been restored at the instance of one Kuleshwar Singh Rajput, as such, the restoration is without jurisdiction and without the authority of law as the petitioner herein was not served any notice.

3. I have heard learned counsel for the petitioner at length.

4. The proceeding under Section 145 of the Cr.P.C. initiated against the petitioner herein was dismissed in default but at the instance of the power of attorney holder of one of the applicants, it has been restored which has been affirmed by the revisional Court.

5. After hearing learned counsel for the petitioner at length and considering that the proceeding under Section 145 of the Cr.P.C. has been restored, I do not find any jurisdictional error or gross illegality in the impugned order warranting interference by this Court under Section 482 of the Cr.P.C.

6. The present petition, being devoid of merits, deserves to be and is accordingly dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet