

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 2736 of 2019**

Shailendra Singh Yadav, son of K.S. Yadav, aged about 40 years, R/o. Qtr. No. 300 Jawahar Nagar, Durg, P.S. Mohan Nagar, District Durg (C.G.)

----Petitioner(Accused)

Versus

Sarangdhar Mishra, aged about 42 years, son of Shri D.N. Mishra, R/o. House No.148/149, Aditya Nagar, Ward No. 20, Titurdih, Durg, P.S. Mohan Nagar, District Durg (C.G.)

---- Respondent/Complainant

For Petitioner : Mr. Jitendra Gupta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/01/2020

(1) Learned counsel appearing for the petitioner would submit that the petitioner's preliminary objection has not been considered and decided by the Judicial Magistrate, First Class, Durg and, therefore, the same may be directed to be decided expeditiously.

(2) Prayer appears to be fair & reasonable and accordingly the same is allowed.

(3) Be that as it may, the Judicial Magistrate, First Class, Durg is directed to consider and decide the petitioner's preliminary objection in accordance with law expeditiously keeping in view the decisions rendered by the Supreme Court in the matter of **Adalat Prasad v. Rooplal Jindal and others**¹ and **Subramaniam Sethuraman v. State of Maharashtra and another**²

(4) With the aforesaid observations, the Cr.M.P. stands finally disposed of.

¹ (2004) 7 SCC 338

² (2004) 13 SCC 324

(5) It is made clear that this court has not expressed any opinion on the merits of the matter and it is for the trial Court to decide the objection in accordance with law.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

