

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 74 of 2021**

- Poonam Chand Agrawal S/o Late Lalchand Agarwal Aged About 52 Years R/o Jila Chikitsalay Ke Samne, Gandhi Ganj, Police Station Kotwali, Raigarh, District Raigarh, Chhattisgarh.

----- Petitioner**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Chowki Jute Mill Raigarh, District Raigarh, Chhattisgarh.

----- Respondent

For Petitioner :- Mr. Harsh Wardhan, Advocate.
For State/Respondent :- Ms. Akshara Amit, PL.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

28/01/2021

1. The instant petition is directed against revision order passed by the learned Revisional Court by which the learned Revisional Court has affirmed the order of the learned trial Magistrate rejecting the

applications under Section 91 & Section 239 of the Cr.P.C.

2. Learned counsel for the petitioner would submit that his application filed under Section 239 of the Cr.P.C. has not been considered in accordance with law and revision against the order rejecting application under Section 91 of the Cr.P.C. has been rejected holding that against the interlocutory order, revision is not maintainable.

3. I have heard learned counsel for the parties, considered their rival submissions and perused the records.

4. Still charges have to be framed against the petitioner, as such, petitioner is at liberty to raise all the grounds before the learned trial Magistrate at the time of framing charges who shall consider and decide the question of charge in accordance with law without prejudiced by the order passed on application under Section 239 of the Cr.P.C. and by the learned Revisional

Court's order. Similarly the petitioner is at liberty to file application under Section 91 of the Cr.P.C. at the appropriate stage.

5. In view of the above, the instant CRMP stands disposed of with the aforesaid liberty in favour of the petitioner.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit