

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR.M.P. No. 251 of 2021**

Upendra Singh @ Kabra, S/o. Ambika Prasad, aged about 45 years,
R/o. Belma, Police Station – Khijrasrai, District – Gaya (Bihar).

---- Petitioner

Versus

State of Chhattisgarh, Through : the Station House Officer, Police
Station, Kumhari, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/05/2021**

Heard.

1. The Registry of this Court has pointed out the default regarding maintainability of this petition under Section 482 of Cr.P.C.
2. It is submitted by the counsel for the petitioner that this petition is maintainable in view of the ratio of law laid down by the Bombay High Court in case of **Krishna Venkatesh & Anr. Vs. Balbhim Malvankar & Ors**, reported in **2019 SCC OnLine Bom. 1819** and the judgment of Supreme Court in case of **State of Punjab Vs. Madan Lal**, reported in **(2009) 5 SCC 238**. Reliance has also

been placed on the order passed by this Court dated **04.12.2020** in **Cr.M.P. No. 990 of 2020 in Surendra Kumar Pandey Vs. State of C.G.** and order dated **12.04.2021** of this Court passed in **M.Cr.C. No.7838 of 2020 in Smt. Pooja Tandon Vs. State of C.G..**

3. State counsel opposes the petition and the submission made in this respect. It is submitted that the present petition is not maintainable. The judgment of Sessions Court against the petitioner was challenged in appeal before this Court in Cr.A. No. 1624 of 2018, which has been disposed off by a judgment dated 30.04.2019 upholding the order of the trial Court with some modification. The petitioner then moved petition under Section 482 of Cr.P.C., which was registered as Cr.M.P. No. 2749 of 2019, making a prayer for direction that sentences should be ordered to run concurrently, that criminal miscellaneous petition was disposed off on 15.01.2021 by the Division Bench of this Court by dismissing the petition. Therefore, the present petition is simply seeking review of the order of the Division Bench. Hence, this petition is not maintainable.
4. Considered on the submissions. The case laws on which the petitioner has placed reliance do not answer to the issue that has been raised by the Registry, regarding the maintainability of the present petition. As the petitioner has already moved similar petition earlier, which has been disposed off by the Division

Bench of this Court, hence, this petition, which is brought before the Single Bench is certainly not maintainable in any respect. Hence, there is no valid reason to entertain this petition, which is accordingly dismissed and disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge

Balram