

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 400 of 2021

Uday Kumar Sharma, S/o Shri Dani Prasad Sharma, Aged About 45 Years, R/o Village Dingapur, Rampur, ITI Colony Road, Tahsil and District- Korba (C.G.)

Presently resided in Village- Naktikhar, P. S. Rampur, Post Rajgamar, Tahsil and District- Korba (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Superintendent of Police, District- Korba (C.G.)
2. The Station House Officer, Police Station- BALCO, District- Korba (C.G.)
3. Sanjay Rohra, S/o Shri Paras Ram Rohra, Aged About 45 Years, R/o Purani Basti, Besides Sindhi Bhawan, Tahsil and District- Korba (C.G.)
4. Om Prakash Rohra, S/o Late Dayaldas Rohra, Aged About 64 Years, R/o Anwati Vihar, Anand Niketan, Raipur Tahsil and District- Raipur (C.G.)

---- Respondents

For Petitioner	:	Mr. A.N. Bhakta, Advocate.
For State/ res. 1 & 2	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

07/07/2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India challenging the order dated 19.03.2021 (Annexure P/1) passed by learned Judicial Magistrate First Class, Korba, District- Korba (C.G.) in Criminal Case Filing No. 1534/2020.
2. Learned counsel for the petitioner would submit that the remedy of filing revision before the District and Sessions Judge, Korba (C.G.) is available to the petitioner, therefore, he seeks permission of this Court to withdraw the instant writ petition for filing revision.

3. In view of the submission made by learned counsel for the petitioner, the present writ petition is disposed of.
4. However, the learned District and Sessions Judge, Korba (C.G.) is directed to decide the case of the petitioner on merits without being considering question of delay/ limitation as the instant writ petition has been filed on 22.06.2021 against the order dated 19.03.2021 passed by learned Judicial Magistrate First Class, Korba, District- Korba (C.G.)
5. Registry is directed to return the certified copy that has been filed in this petition, to the counsel for the petitioner, after retaining photocopy of the same.

Sd/-
(Narendra Kumar Vyas)
Judge

Arun