

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CR.M.P. No. 909/2021

Rajesh Agrawal S/o Shri Anand Ram Agrawal, aged about 42 years R/o Devendra Nagar, Sector - 5, Tirupati Pharma, Tatiband Raipur, CG.

----Applicant

Versus

State of Chhattisgarh through Police of Police Station Maudhapara, Raipur District Raipur CG

----Respondent

 For Applicant : Mr. Shivang Dubey, Adv.
 For respondent : Mr. Praveen Shrivastava, PL.

Hon'ble Shri Justice N.K. Chandravanshi
Order on Board

9-9-2021

1. This CRMP under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') has been filed by the applicant for modification of the order dated 13-8-2021 passed by this Court in Cr.R. No. 336/2021 (Rajesh Agrawal -v- State of Chhattisgarh).
2. Since the counsel for the State has appeared on advance copy, notice need not be issued to the State.
3. Learned Counsel for the applicant submits that while disposing of the CR.R. No. 336/2021 by order dated 13-8-2021, this Court has made some observations, which may come in the way of the trial and may have detrimental effect on the defence presented by the applicant. Thereafter, he prays for modification of the order of this Court to the extent that the trial Court be directed to proceed with the trial in accordance with law, without being influenced by any observation made by this Court in the order dated 13-8-2021.
4. Learned counsel for the State has no objection to the prayer made by the counsel for the applicant.

5. The observations made by this Court in the said order dated 13-8-2021 were for the purpose of disposal of the Cr.R. No. 336/2021 only and therefore, the prayer made appears to be just and reasonable.

6. Therefore, this CRMP is disposed of with a modification in the order dated 13-8-2021 passed in Cr.R. No. 336/2021 to the extent that after para 18, following shall be read as para 19 :-

“19. It is made clear that the trial Court shall proceed with the trial in accordance with law and decide the same without being influenced by any observation made by this Court in this order.”

7. A copy of this order be kept in the original file of Cr.R. No. 336/2021.

8. Copy of this order shall form part of the order dated 13-8-2021 passed in Cr.R. No. 336/2021.

**Sd/-
N.K. Chandravanshi
Judge**