

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WA No. 12 of 2021**

(Arising out of order dated 2.12.2020 passed by learned Single Judge in WPCR No.589/2020)

- Dr. Lallan Singh, son of Late Dwarika Singh, aged about 60 years, resident of village Veterinary Hospital Campus, DNK Road, Kondagaon, District Kondagaon (CG)

**---- Appellant**

**Versus**

1. State of Chhattisgarh, through Secretary, Ministry of Home, Mantralaya, Naya Raipur, District Raipur (CG)
2. The Collector, Kondagaon, District Kondagaon (CG)
3. Police Station Kondagaon, Through the Station House Officer, Kondagaon, District Kondagaon (CG)
4. Pallavi Hussain, W/o Late Shahnawaj Hussain (now appears to be married to one Shri Amit Kumar Patel), aged about 31 years, r/o Qtr. No.D1, Dnk Colony, Near Ground, Kondagaon (CG).

**---- Respondents**

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|---------------------------|---|---------------------------------------------------------------------------------|
| For Appellant             | : | Mr. B.P. Sharma, Advocate with<br>Mr. ML Saket & Ms. Anuja<br>Sharma, Advocates |
| For Respondents No.1 to 3 | : | Mr. Vikram Sharma, Deputy<br>Government Advocate.                               |

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**Hon'ble Shri PR Ramachandra Menon, CJ**  
**Hon'ble Shri Parth Prateem Sahu, J**

**Order On Board**

**Per PR Ramachandra Menon, CJ**

**18.1.2021**

1. This writ appeal arises from the order dated 2.12.2020 passed by the learned Single Judge whereby the relief prayed for staying further proceedings as to investigation in connection with Crime No.275/2020 registered in respect of offences under Sections 354 (क) & 509 of the Indian Penal Code has

been declined.

2. Learned counsel for the appellant submits that the impugned order virtually amounts to a 'final order' and hence the challenge, in view of the law declared by the Full Bench of this Court in *Ajay Gupta Vs. State of CG* reported in (2017) 3 CGLJ 353.
3. It is seen from the order under challenge, particularly from Paragraph-10, that no final decision has been taken by learned Single Judge with regard to granting of interim relief sought for in IA No.1, whereas notice has been ordered on the said application, which has been accepted by Mr. Sunil Otvani, learned Additional Advocate General representing respondent Nos.1 to 3. It is also seen from the proceedings that the process fee has been remitted and completion of service to the respondent No.4 is awaited.
4. It is brought to the notice of this Court by the learned counsel for the petitioner that a favorable proceeding has been issued by the District Collector, Kondagaon, pursuant to the report filed by the Committee who enquired into the matter affirming the innocence of the petitioner and with regard to the continued suspension of the appellant for causing the same to be revoked. Learned counsel for the appellant submits that the appellant may be permitted to withdraw this appeal with liberty to complete the service of notice and to file an urgent application before the learned Single Judge for hearing of the matter at the earliest.
5. In the said circumstance, appeal is dismissed as withdrawn with liberty as prayed for.

Sd/-  
(P.R Ramchandra Menon)  
Chief Justice

Sd/-  
(Parth Prateem Sahu)  
Judge

roshan/-