

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2749 of 2019

Upendra Singh @ Kabra Son Of Ambika Prasad Aged About 45 Years
Resident Of Belma, Police Station - Khijrasrai, District - Gaya (Bihar),
District : Gaya, Bihar

---- Petitioner

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station,
Kumhari / G.R.P. Bhilai-3, District Durg Chhattisgarh, District : Durg,
Chhattisgarh

---- Respondent

For Petitioner	:	Shri Shikhar Bhaktiyar, Advocate
For State	:	Shri K.K. Singh, Govt. Advocate

**D.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Smt. Justice Rajani Dubey**

Order On Board

15/01/2021

Heard.

1. A prayer for modification of the judgment dated 30.4.2019 passed in CRA No.1624 of 2018 and batch of appeals has been made on the submission that as far as present petitioner/appellant is concerned, the trial Court has directed the sentence to run consequently and not concurrently. He would submit that the operation of the judgment of conviction and order of sentence of the present petitioner/appellant, even after the judgment passed in appeal, would act extreme harsh and the petitioner/appellant has a strong arguable case on this aspect.
2. Having heard learned counsel for the petitioner/appellant, we are of the view that argument which is being raised before this Court is essentially an appeal in disguise. We have rendered the judgment and at this stage,

now we cannot modify our order in the manner as has been prayed in the petition. Therefore, in view of the provision contained in Section 362 Cr.P.C., this petition is dismissed, leaving the petitioner/appellant to work out remedy as may be available to him under the law.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

Praveen