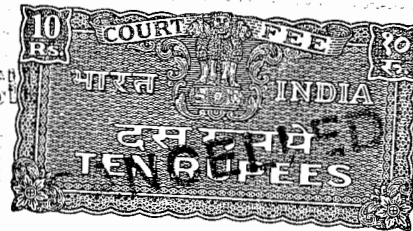


SINGLE BENCH



1
3

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W. P. NO. 3398 OF 2005

PETITIONERS

Appellants

3394/05
P.R. No.
Presented by *Smruti Singh*
dated *19/7/05*

- ✓ 1. Ashok Kumar Agrawal, S/o
Narayan Prasad Agrawal,
Aged 42 years, Proprietor
Firm M/s. Maruti Trading
Company, Raigarh, and R/o
Mathumuda, Raigarh, Distt.
Raigarh (Chhattisgarh)
- ✓ 2. Ramavtar Sharma, S/o Shri
Ganpat Lal Sharma, Aged
52 years, Manager Firm M/s.
Maruti Trading Company,
Raigarh, & R/o Mastagali
Beedpara, Raigarh, Distt.
Raigarh (Chhattisgarh)

VERSUS

RESPONDENTS

- ✓ 1. State of Chhattisgarh
Through Collector Raigarh,
Dist. Raigarh (Chhattisgarh)
2. Firm Radha Krishna Rice
Parboiling Industry,
Manakhandi, Mandir Hasaud,
District Raipur (C.G.)
- ✓ 3. Firm Maha-Vaishnav Dhan
Katai Kendra, Manakhandi,
Ramsagarpara, Raipur, Tah.
& District Raipur (C.G.)



WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN
NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND
OTHER SUITABLE WRIT OR WRITS, DIRECTION OR
DIRECTIONS, ORDER OR ORDERS:

आदेश पत्रक

मामला क्रमांक ...3.392/... सन् 2005

..... विरुद्ध

(56)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>29.7.2005.</u></p> <p>Shri Manindra Shrivastava, Sr. Counsel with Shri Afroz Khan, counsel for the petitioners.</p> <p>Shri Y.S. Thakur, Govt. Adv. for the State.</p> <p>Heard.</p> <p>By the instant petition filed under Article 227 of the Constitution of India the petitioners have sought relief that District Judge, Raigarh be directed to stay the hearing of Miscellaneous Appeal No.171-A/1999 and to quash the order dated 16.6.2005 passed by learned District Judge rejecting the prayer of the petitioners for staying the proceeding of appeal.</p> <p>Learned Sr. Counsel for the petitioners argued that the petitioners herein purchased the rice from respondent Nos.2 & 3 and at the time of purchase they ensure that levy on this rice is paid by respondent Nos.2 & 3 and in token thereof each of the respondent has issued two levy paid certificates along with cash memo to the petitioners. However, later on out of those certificates one levy certificate issued by each of the respondent was found forged, therefore, a criminal proceeding was initiated against the petitioners & respondent Nos.2 & 3 and a charge sheet has been filed under Sections 3 & 7 of the Essential Commodities Act. He further argued that the petitioners have challenged</p>	

that charge sheet under Section 482 of the (पीछे देखिये)

आदेश पत्रक

मामला क्रमांक सन् 200

..... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>before this Court and criminal proceedings against the petitioners have been stayed by this Court. However, in the meantime, the rice which was purchased by the petitioners under levy paid certificate has been confiscated by the Collector, against which the petitioners have preferred an appeal, which is pending before the District Judge, Raigarh. He further urged that a request was made to learned District Judge not to decide the appeal till the matter filed before this Court under Section 482 of the Cr.P.C. is decided, however, learned District Judge rejected the said request vide impugned order. He further submitted that if that appeal is decided prior to decision of the petition filed before this Court under Section 482 of Cr.P.C. then that may likely to affect the interest of the petitioners, therefore, the operation of impugned order be stayed and learned District Judge be directed not to hear the appeal till the petition under Section 482 of the Cr.P.C. is decided.</p> <p>I have perused the impugned order in which learned District Judge, Raigarh has mentioned that the hearing of appeal cannot be stayed for indefinite period unless any stay granted in the petition filed under Section 482 of the Cr.P.C.</p> <p>Having heard learned counsel for the parties, I am of the opinion that the order impugned is neither perverse nor learned District Judge has committed any</p>	

आदेश पत्रक

मामला क्रमांक सन् 200

..... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-3-	
	<p>material irregularity or illegality in passing the same, therefore, no stay can be granted against the hearing of appeal by the District Judge. However the petitioners are at liberty to make a prayer before this Court for expeditious hearing of the petition filed under Section 482 of the Cr.P.C and at the same time they can apprise learned District Judge that they are making prayer for expeditious hearing of the petition under Section 482 of Cr.P.C. and the same will be decided at the earliest, therefore, he may wait for some time in hearing the appeal.</p> <p>In view of above, I do not find any substance in this petition and same is disposed of with the direction aforesaid.</p>	
		<p>Sd/- L.C. Bhadoo Judge</p>

(पीछे देखिये)