

(1) (W)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

(C.G.)

CR.M.P. NO. 432 /2015

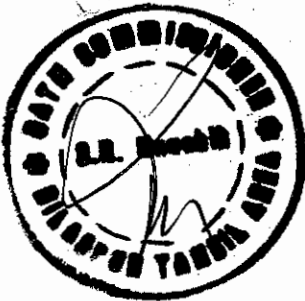
(Arising out of the order dated 15.05.2015, passed in M.Cr.C.
No. 2104/2015)

PETITIONER : Hridayram, son of Aanand Ram
(IN JAIL) aged about 20 years, resident of
Piparchhedi, Police Station
Piparchhedi, Civil and Revenue
District Gariyaband, Chhatti-sgarh

VERSUS

RESPONDENT : The State of Chhattisgarh,
Through: Police Station
Piparchhedi, Civil and Revenue
District Gariyaband, Chhatti-sgarh

M.C. No. - 2104/2015
B.A. NO. - 520/2015
CRIME NO. - 02/2015
POLICE STATION - Piparchhedi, District Gariyaband
(C.G.)
OFFENCE U/S. - 307 of IPC and Section 3(2)(5)
SC/ST (Prevention of Atrocity
Act)
DATE OF ARREST - 13.03.2015



PETITION UNDER SECTION 482 FOR MODIFICATION OF THE
IMPUGNED ORDER DATED 15.05.2015

Being aggrieved by the order dated 15.05.2015 (ANNEXURE
P-1) passed in M.Cr.C. No. 2104/2015 by Hon'ble High Court.

The petitioner named above respectfully begs to submit as
under:-

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 432 of 2015**

1. Hridayram, S/o. Aanad Ram, Aged about 20 years,
R/o. Piparchhedi, Civil and Revenue District Gariyaband,
Chhattisgarh

---- Petitioner
(In jail)

Versus

1. State of Chhattisgarh
S/o Through : Police Station Piparchhedi,
Civil and Revenue District Gariyaband, Chhattisgarh

---- Respondent

For Petitioner – P.P. Sahu
For Respondent – Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28/05/2015**

Heard.

This Cr.M.P. is admitted for consideration with the consent of both the parties.

Heard finally.

By this order, the Cr.M.P. preferred by the petitioner is being disposed off.

Learned counsel for the petitioner submits that while filing M.Cr.C. No.2104/2015 on behalf of the applicant by bonafide mistake, it is mentioned regarding status of the case as charge-sheet has been filed in the Court and the case is pending before Judicial Magistrate First Class, whereas, the day M.Cr.C. filed before this Court, charge-sheet has not been filed. On the basis of this wrong information mentioned as bonafide mistake, the Court while passing the impugned order dated 15.05.2015 on two occasions mentioned that charge sheet has already been filed against the applicant. It is prayed on behalf of the petitioner that impugned order be modified to the extent that on all those two places it be read as charge-sheet has not been filed. He further submits that subsequently, the charge sheet has been filed and the case is committed to the Sessions Court.



On the other hand Respondent/State opposed the submission and submits that it was the duty of the applicant to mentioned correct facts.

On due consideration and after perusal of the entire order, which is not passed solely on the fact that charge-sheet is filed and thats why the order of bail was granted, I am of the considered opinion as the applicant committed bonafide mistake his submission be allowed. Consequently, the present Cr.M.P. filed is hereby allowed.

It is directed that in the impugned order dated 15.05.2015 in M.Cr.C. No.2104/2015, on two counts, where charge sheet has already been filed mentioned, be read as charge sheet has not been filed.

With this modification, the Cr.M.P. is disposed off.

Sd/-
Chandra Bhushan Bajpai
Vacation Judge