

CRL.PETN.19/2017

**BEFORE
THE HON'BLE MR. JUSTICE S.R.SEN**

22-09-2017

Heard Mr. P.Shome, learned counsel on behalf of the petitioner as well as Mr. K.Khan, learned Addl. Sr. State counsel on behalf of the respondents No. 1, 3, 4 & 5.

Mr. P.Shome submits that there are ample illegalities in the charge-sheet and the FIR is also a false one, so both the charge-sheet and the FIR may be quashed.

Heard also Mr. K.Khan who submits that since the matter has already been charge-sheeted, they should have contested the matter before the Trial Court at the CC stage instead of moving this instant petition for quashing the charge-sheet. Learned counsel also submits that earlier also, the petitioner had moved for anticipatory bail before this Court which was rejected/disposed of.

After hearing the submissions advanced by the learned counsels for the parties, I am of the considered view that since the matter has already been charge-sheeted, the petitioner has the scope to raise the illegality at the time of framing the charge, if any, in the charge-sheet or any other points before the Trial Court concerned.

Learned counsel for the petitioner also submits that a warrant has been issued against the petitioner.

Learned lower Court is directed to recall the warrant issued in connection with G.R case No. 42 of 2017 and thereafter to hear the parties at the time of framing of charge and decide the matter in accordance with law and merits. I also mention that lower Court should not be influenced by the order of this Court.

With this observation and direction, the instant writ petition is rejected and stands disposed of.

JUDGE

S.Rynjah