

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPCR No. 174 of 2021

Madhusudan Yadav **Versus** State of Chhattisgarh & Ors.

SB

Hon'ble Shri Justice Sanjay K. Agrawal

09.03.2021	Mr. Vivek Sharma, counsel for the petitioner. Mr. Sunil Otwani, Addl. A.G. for the State. Heard on admission. Mr. Vivek Sharma, learned counsel for the petitioner, would submit that by the impugned order dated 14.08.2019 application under Section 156(3) has been allowed without there being prior applications under Sections 154(1) and 154(3) of the Criminal Procedure Code, which is in the teeth of the decision rendered by the Supreme Court in the matter of <u>Priyanka Srivastava and Anr. vs. State of U.P and Ors</u>¹. and followed by this Court in the case of <u>Jai Singh Agrawal and Anr. vs. State of Chhattisgarh and Anr</u>². and submitted that the proceeding is without jurisdiction and without authority of law, therefore, impugned order deserves to be set aside. Admit. Issue notice to the respondents. P.F. be paid within seven days.

¹ (2015) 6 SCC 287

² (2020) SCC OnLine Chh 553

Also heard on stay application.

The effect and operation of the impugned order dated 14.08.2019 and further proceedings of consequent FIR dated 21.08.2019 vide Crime No.305/2019, shall remain stayed.

List the matter along with WPCR No.164/2021 in the week commencing from **19th April, 2021**.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit