



2026:CGHC:29835-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1827 of 2026

Xyz D/o Abc R/o Jkl Nill

... Petitioner

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station - Telibanda District Raipur (C.G.)

2 - Jatin Lakhmani S/o Sushil Lakhmani Aged About 29 Years R/o Tola Purani Basti Ankpagi Basti Distt- Basti (U.P.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Shubham Tripathi, Advocate
For Respondent No.1	:	Ms. Anusha Naik, Dy. Govt. Advocate
For Respondent No.2	:	Mr. Piyush Shrivastava and Mr. Aman Tamboli, Advocates

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

15.07.2026

- The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for following relief:-

"A. The impugned judgement and order of acquittal, passed by Additonal Sessions Judge (F.T.C.), Raipur, Distt. Raipur (C.G.) on dated 28.03.2026 in Sessions Cases no. 164/2023



and convict the respondent appropriately.

B. Proceed against the accused/ respondent no. 2 under section 390 of BNSS, during the pendency of this instant appeal.

C. May kindly pass an appropriate order, as it deems fit, in the interest of justice.”

2. Learned counsel appearing on behalf of the petitioner submits that, upon instructions, he seeks permission of this Court to withdraw the present petition with liberty to avail the statutory remedy of filing an appeal against acquittal under Section 413 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*. It is submitted that the petitioner may be permitted to pursue the said remedy in accordance with law.
3. Learned counsel appearing for the respective respondents fairly submits that they have no objection if the present petition is permitted to be withdrawn with the aforesaid liberty.
4. Having considered the submissions advanced by learned counsel for the parties and taking into consideration the fact that the petitioner has an efficacious and specific statutory remedy of preferring an appeal against acquittal under Section 413 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, this Court is not inclined to entertain the present petition. Accordingly, the petition is dismissed as withdrawn with liberty reserved in favour of the petitioner to avail the aforesaid statutory remedy in accordance with law. However, considering that the petitioner has invoked the



extraordinary jurisdiction of this Court despite the availability of an effective statutory remedy, thereby unnecessarily consuming the valuable judicial time of this Court, the aforesaid liberty is granted subject to payment of costs quantified at Rs.2,000/- (Rupees Two Thousand only), to be deposited by the petitioner in the Registry of this Court for wasting the precious time of this Court by filing the present petition in such a casual and careless manner. The Registry shall thereafter transmit the said amount to the Government Special School for Visual Handicapped (Boys and Girls), Jashpur, Chhattisgarh.

5. It is further directed that certified copies of the documents annexed with the petition, if any, shall be returned to learned counsel for the petitioner after obtaining photocopies thereof for the record.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice