
(2023) 02 MP CK 0074
In the Madhya Pradesh High Court
Case No : Writ Petition No. 4606 Of 2023

Ishant Jain

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 23-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2023) 02 MP CK 0074

Hon'ble Judges : Nandita Dubey, J

Bench : Single Bench

Advocate : Anil Khare, Rohit Raghuwanshi, Naveen Dubey

Final Decision : Allowed/Disposed Of

Judgement

Nandita Dubey, J

This petition has been filed seeking a direction to the respondents to provide reasonable time to the petitioner to appear pursuant to the notice that was issued on 12/02/2023.

It is submitted by learned Senior counsel that by the impugned notice dated 12.02.2023 under Section 41A of Cr.P.C., the petitioner was called to appear at Sagar on the next day i.e., 13/02/2023 in relation to Crime No.394/2022. After receiving the notice, the wife of the petitioner has informed the authority concerned that her husband is at Assam right now and it would not be possible for him to appear within some hours before the authority concerned and prays that further some next date may be given. The petitioner apprehends that if he now appear before the authority concerned he may be arrested, as he was not able to appear before the authority on the date, he was called on.

It is prayed that the authority concerned may be directed to give a fresh date for appearance to the petitioner on which date he would appear before the authority and cooperate in the investigation and get his statement also recorded there.

Learned counsel for the State has no objection to the said innocuous prayer.

In view of the documents annexed to the petition and the short submission made by learned Senior counsel, this petition is allowed with a direction to the respondent/authority concerned to give a fresh date to the petitioner after Holi festival for his appearance on which date he shall appear and get his statement recorded or may furnish whatever document be asked by the authority concerned and this appearance should be treated as appearance pursuant to the notice under Section 41A of Cr.P.C..

With the aforesaid direction, the petition is allowed and disposed of.

Certified copy as per rules.