
(2024) 03 MP CK 0054

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 12558 Of 2024

Shivraj Singh Chouhan And Others

APPELLANT

Vs

Vivek Krishna Tankha

RESPONDENT

Date of Decision : 21-03-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 197, 482
Indian Penal Code, 1860 — Section 499, 500

Citation : (2024) 03 MP CK 0054

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : R.N. Singh, Abhishek Arjariya, Shivendra Singh

Judgement

Sanjay Dwivedi, J

This petition is filed under Section 482 of CrPC assailing the order dated 20.01.2014 passed by learned JMFC/Special Judicial Magistrate (MP/MLA Court), Jabalpur taking cognizance on the complaint made by the respondent under Sections 499 and 500 of IPC.

Shri R.N. Singh, learned Senior counsel appearing for the petitioners sanguinely submits that the court while taking cognizance did not into account the material aspects and relevant provisions, which prohibit the court from taking cognizance in such matter. He further submits that even no sanction for prosecution, which is mandatory as per Section 197 of CrPC, has been obtained. He also submits that the case is scheduled for tomorrow before the court for appearance of accused/petitioners. He accentuates that looking to the present scenario when Lok-Sabha elections have already been announced and the petitioners being political leaders have absolute hectic schedule and it would be arduous to steal the time for appearing in the Court. In such a situation, he implores that a judicial umbrella protecting them from appearing in the Court tomorrow may be provided.

In contrast, Shri Pandey, appearing for the respondent submits that he may be supplied with a copy of petition to enable him to argue the matter. He also submits that this is not the stage where interim protection is required for the reason that the impugned order was passed in the month of January, 2024 and instant petition has been filed only yesterday. He further submits that if the case is fixed for appearance of the petitioners, they may move application for exemption showing sufficient cause for non-appearance, but no interim protection can be accorded before giving opportunity of hearing to the respondent.

Learned counsel for the petitioner is directed to supply one set of petition to the counsel for the respondent during the course of the day.

As regards interim relief - it shall be considered on the next date that too after hearing the counsel for the respondent. Simultaneously, it is observed that the petitioners may move an application for exemption of their personal appearance before the court assigning reasons therein and the court may consider it and exempt the presence of accused on the face of hovering elections and hectic schedule of the political leaders.

List on 23.04.2024.