

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 185 of 2015

Somnath Ram Bhagat S/o Late Shri Mahali Ram Bhagat Aged About 60 Years Oraon
By Caste, R/o Village Kusmi Tahsil Samri (Kusmi), Revenue District Balrampur, Civil
District Surguja, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Director General Of Police, Raipur, (Chhattisgarh)
2. Inspector General Of Police Sarguja Range, Ambikapur, (Chhattisgarh)
3. Superintendent Of Police Balrampur, Distt. Balrampur, (Chhattisgarh)
4. Police Sub- Divisional Officer, Kusmi, District Balrampur, (Chhattisgarh)
5. Station Officer Kusmi Police Station Kusmi, District Balrampur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri J.S. Bariak, Advocate
For Respondent/State	:	Shri R.K. Gupta, Govt. Advocate

Order On Board

24/08/2015

Heard.

1. Learned counsel for the petitioner submits that an investigation was opened after registering FIR under Crime No.65/2007 on the allegation of commission of offence under Section 302 IPC. He submits that the police has not carried out proper investigation and submitted a closure report under Section 173 Cr.P.C. before the Magistrate on 17.12.2010. Learned counsel for the petitioner submits that a direction may be issued to the respondents to re-open the case and carry out fresh investigation/further investigation through an independent police agency of higher rank or CBI.
2. There is no averment in the petition with regard to order, if any, passed by the Magistrate either accepting or directing further investigation upon submission of report under Section 173 Cr.P.C. The report submitted by the investigating agency before the Court is not final. If the Magistrate finds that investigation was not proper or further investigation is necessary, it is always open for him to reject the report and pass appropriate orders. Without any statement made in the petition with regard to

the orders passed by the Magistrate, this petition has been filed. Therefore, no direction can be issued in this petition.

3. The petition is therefore dismissed with liberty to file proper petition, clearly stating the facts regarding the order, if any, passed by the Magistrate upon submission of report under Section 173 Cr.P.C.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen