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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 140 of 2014**

- Shishir Darshan Singh, son of late Hari Darshan Singh, aged about 41 years, R/o. C/o. Smt. Sruti Singh, Qtr. No.C/545, Yamuna Vihar, N.T.P.C. Colony, Jamnipali, P.S. Darri, Civil and Revenue District Korba (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: The Secretary, Home Department, Mahanadi Bhawan, Raipur (C.G.)
2. Director General of Police, Head Quarter, Raipur, District Raipur (C.G.)
3. Superintendent of Police, Raipur (C.G.)
4. Navneet Patil, Station House Officer, P.S. City Kotwali, Raipur (C.G.)
5. B.L. Koshariya, A.S.I., Investigation Officer, presently posted at P.S. Balodabazar, District Balodabazar-Bhatapara (C.G.)
6. Himanchal Dhruv, Head Constable No. 93, P.S. City Kotwali, Raipur (C.G.)
7. Ram Narayan Patel, Constable No.1789, P.S. City Kotwali, Raipur (C.G.)

---- Respondents

For Petitioner : Ms. Pushpa Dwivedi, Advocate.

For Respondents No. 1 to 3 : Mr. Arun Sao, Dy. A.G.

For Respondents No. 4 to 7 : Mr. Devershi Thakur, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/02/2016**

(1) The petitioner has filed instant writ petition for issuing directions against the respondents No. 4 to 7 for taking suitable

action departmental and criminal for prosecuting him illegally.

(2) Learned counsel appearing for the petitioner would submit that the petitioner has been illegally and maliciously prosecuted for offence under Section 25 of the Arms Act, in which he was honorably acquitted on 3.4.2012 and, therefore, a departmental and criminal action be directed to be instituted against respondents No. 4 to 7.

(3) Per contra, learned counsels for the State & respondents No. 4 to 7 would submit that the petitioner was prosecuted for the aforesaid offence finding sufficient material against him and upon appreciation of evidence available on record, the trial Court has acquitted him of the aforesaid offence and honourable acquittal will not entail their prosecution criminally and departmentally.

(4) After hearing learned counsel appearing for the parties and taking into consideration the finding of the Court below, I do not find any ground for issuing such directions against the respondents No. 4 to 7, as such instant Writ Petition is not the appropriate remedy for such an relief, petitioner is free to avail the remedy available under the law and to establish that he was prosecuted by the respondents No. 4 to 7, and proceedings complained of terminated in his favour of and to further establish that such a prosecution was launched against him without reasonable or probable cause and such an prosecution was instituted with malicious intention that is not with the mere intention of carrying the law into effect, but with an intention which was wrongful in point of facts and lastly he has to establish that he has suffered damage to his reputation and depending upon the finding, he may

further proceed with the said respondents for criminal and departmental action in accordance with law.

(5) Thus, in the instant writ petition deserves to be and is accordingly dismissed subject to aforesaid observations but without imposition of cost (s).

Sd/-
(Sanjay K. Agrawal)
Judge

D/-