

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1912 of 2016

Sayyed Afroz Ali S/o Late Sayyed Jakir Ali, Aged About 44 Years Head Constable No. 954 Of P. S. Lalpur (Suspended), Attached With Police Line Mungeli, District Mungeli, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Inspector General Of Police, Bilaspur Range, Bilaspur, District Bilaspur, (Chhattisgarh)
3. Superintendent Of Police, Anti Corruption, Raipur, (Chhattisgarh)
4. Superintendent Of Police , Bilaspur, District Bilaspur, (Chhattisgarh)
5. Additional Superintendent Of Police/ Enquiry Officer, Mungeli, District Mungeli, (Chhattisgarh)

---- Respondents

Shri N.K.Chatterjee, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/09/2016

The petitioner has filed this petition seeking direction to respondents to produce one official witness, whom the petitioner intends to examine as his defence witness.

2. Learned counsel for the respondents submits that the witness concerned, who is said to be examined as defence witness by the petitioner in the departmental enquiry, is one of the prosecution witnesses in the pending criminal case against the petitioner on the allegation of commission of offence under Prevention of Corruption Act, 1947.

3. Considering the aforesaid submission, I am not inclined to keep this matter pending and the petition is disposed off with a direction that the

application of the petitioner summoning official witness as defence witness shall be considered soon after the concerned witness is examined in the criminal case. At the same time, as the petitioner's right to seek production of defence witness is being deferred for the reasons stated hereinabove, the authorities shall not finalise the departmental enquiry until the petitioner's prayer for summoning official witness stated hereinabove is duly considered.

4. With the aforesaid observations, the petition is finally disposed off.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**

Deepti