

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 13 of 2016

Sanjay Sahu S/o Dayaram Sahu, aged about 34 years, R/o Chakradharnagar, Kasepara, P.S. - Chakradharnagar, Civil & Revenue District Raigarh (C.G.)

... Petitioner

Versus

1. State of C.G., through District Magistrate, Raigarh, District- Raigarh (C.G.)
2. Kalaram S/o Jahar Sai, aged about 30 years, R/o Sethinagar, Chakradharnagar, District Raigarh (C.G.)
3. Ajay Kumar S/o Udhav Prasad, aged about 30 years, R/o Gopalpur, District Raigarh (C.G.)
4. Durgacharan S/o Not known, aged about 35 years, R/o Nawapali, District Raigarh (C.G.)

... Respondents

For Petitioner	:	Mr. Vivek Tripathi, Advocate.
For Respondent-State	:	Mr. Anil Pandey, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/01/2016

1. Challenge in the present petition filed under Section 482 of Cr.P.C. is to the order dated 19.3.2015 passed by the Special Judge, Raigarh, in Criminal Revision No. 64 of 2012 whereby the Revisional Court has rejected the said revision petition of the Petitioner preferred against the order dated 26.3.2012 passed by the Chief Judicial Magistrate, Raigarh, rejecting the application of the Petitioner filed under Section 156 (3) of Cr.P.C.
2. The grievance of the Petitioner is that prima facie a case has been made out in the complaint lodged by the Petitioner and therefore the Court below ought to have ordered to register an FIR against the Respondents and should have proceeded further; instead without sufficient material the Court below has rejected the same and against which a revision petition was also preferred and the Revisional Court has also without going into

the merits of the case in a mechanical manner rejected the revision petition also.

3. The grievance of the Petitioner further is that he has made specific allegations against the private Respondents of having used fraudulent and fake documents against the Petitioner, against which the Petitioner has lodged a private complaint before the Chief Judicial Magistrate who on 26.3.2012 has rejected his application under Section 156 (3) of Cr.P.C. and ordered that the Officer Incharge of the Police Station- Chakradharnagar shall conduct an inquiry into the complaint and allegations and shall submit a report to the Court below so as to decide the next course of action.

4. The said order passed by the Chief Judicial Magistrate on 26.3.2012 is a discretionary order passed under his powers and in the course of exercising his discretion he has thought of getting the matter investigated by the police authorities before taking a decision on the complaint of the Petitioner. The Revisional Court also has not exercised its revisional powers only for the reason that since the matter has been ordered to be inquired into by the police authorities and in addition the order of the Magistrate was in exercise of the discretionary power, there was no scope for any interference and had rejected the revision.

5. This Court is also of the opinion that since the order passed by the Chief Judicial Magistrate is a discretionary power and that in his discretion he found it proper and fit to get the matter inquired by the concerned police authorities, this Court does not find any infirmity both in the order of the Chief Judicial Magistrate as well as in the revisional order. Thus, the present petition is devoid of merits.

6. Accordingly, the criminal miscellaneous petition being devoid of merits is dismissed.

Sd/-
(P. Sam Koshy)
Judge