NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 283 of 2015

Rukamani Bai W/o Late Shri Ghasi Ram Satnami, Aged About 65 Years R/o Village Hasaud, Chouki - Hasaud, District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Home Department, Mantralaya, Mahanadi, New Raipur, (Chhattisgarh)

2. The Director General Of Police, Headquarter, Raipur, (Chhattisgarh)

3. The Inspector General Of Police, Bilaspur Range, Bilaspur, (Chhattisgarh)

4. The Superintendent Of Police, Janjgir, District Janjgir Champa, (Chhattisgarh)

5. The Sub Divisional Officer, Police Champa, District Janjgir Champa, (Chhattisgarh)

6. The Police Station Jaijaipur (Out Post Hasaud), Through The In-charge Officer, Police Station, District Janjgir Champa, (Chhattisgarh)

7. Kumari Sushila Sinha, D/o Nandram, Aged About 27 Years Caste Satnami, R/o Village Hasaud, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

8. Nirmal Sinha, S/o Nandram, Aged About 35 Years Caste Satnami, R/o Village Hasaud, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

9. Narsingh Sinha, S/o Nandram, Aged About 35 Years Caste Satnami, R/o Village Hasaud, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

10. Bhulan Sinha, S/o Nandram, Aged About 27 Years Caste Satnami, R/o Village Hasaud, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

11. Uttam Sinha, S/o Nandram, Aged About 25 Years Caste Satnami, R/o Village Hasaud, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

12. Nandram, S/o Dauram, Aged About 55 Years Caste Satnami, R/o Village Hasaud, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

13. Dauram, S/o Chiru, Aged About 70 Years Caste Satnami, R/o Village Hasaud, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

14. Rohit Aanand, Advocate, R/o Village Devarghata, Chowki Hasaud, District Janjgir Champa, (Chhattisgarh)

---- Respondents

Shri Hemant Kesharwani, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/06/2016

Heard.

This petition has been filed by the petitioner for direction to respondent / police authorities to make fair investigation in the matter of allegation of commission of offence. A prayer has also been made for arrest and submission of report before the jurisdictional Magistrate.

2. Learned counsel for the petitioner submits that initially a report was lodged in the police station on the allegation that forged consent letter of the petitioner has been used to obtain petrol pump license by private respondents. When the police did not take any action, the petitioner moved an application under Section 156 (3) of CrPC. The Magistrate directed enquiry to be made. Initially, the police submitted a final report, but later on, the police again sought time to conduct further investigation. The matter, since then, has remained pending till date and the Magistrate has also not passed appropriate orders in the matter though it has remained pending before the Magistrate eversince 2007.

3. Learned State counsel submits that presently, the matter is listed before the concerned Magistrate on 02/07/2016 on consideration of the report earlier submitted by the police long back. It is for the concerned Magistrate to take decision on judicial side after consideration of material on record as to whether closure report is to be accepted or whether further enquiry is necessary or to proceed further with the complaint of the petitioner.

4. The matter has remained pending for a very long time. The order sheets which have been placed on record shows that the case has been adjourned on numerous occasions. Therefore, in these circumstances, at this stage, respondent No.4 is directed to submit complete papers of investigation along with diary before the concerned Magistrate and the Magistrate should consider the matter and pass appropriate order. In case, no orders are passed within a period of three months from today, the petitioner may seek appropriate direction against the concerned Magistrate.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti