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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 513 of 2016**

1. Jayant Saraf S/o Kamal Saraf Aged About 27 Years R/o Kantinagar, Near Jain Mandir, P.S. And Post Tarbahar, Tehsil Bilaspur, Civil And Rev. Distt. Bilaspur, Distt. Bilaspur Chhattisgarh.
2. Kamal Saraf S/o Narmada Prasad Aged About 54 Years R/o Kantinagar, Near Jain Mandir, P.S. And Post Tarbahar, Tehsil Bilaspur, Civil And Rev. District Bilaspur District Bilaspur Chhattisgarh.
3. Ranjo Saraf W/o Kamal Saraf Aged About 52 Years R/o Kantinagar, Near Jain Mandir, P.S. And Post Tarbahar, Tehsil Bilaspur, Civil And Rev. District Bilaspur District Bilaspur Chhattisgarh.
4. Rahul Saraf S/o Kamal Saraf Aged About 31 Years R/o Kantinagar, Near Jain Mandir, P.S. And Post Tarbahar, Tehsil Bilaspur, Civil And Rev. District Bilaspur District Bilaspur Chhattisgarh.
5. Yashwant Saraf S/o Kamal Saraf Aged About 28 Years R/o Kantinagar, Near Jain Mandir, P.S. And Post Tarbahar, Tehsil Bilaspur, Civil And Rev. District Bilaspur District Bilaspur Chhattisgarh.
6. Nupur Saraf W/o Yashwant Saraf Aged About 27 Years R/o Kantinagar, Near Jain Mandir, P.S. And Post Tarbahar, Tehsil Bilaspur, Civil And Rev. District Bilaspur District Bilaspur Chhattisgarh.
7. Riddhi Saraf W/o Rahul Saraf Aged About 31 Years R/o Kantinagar, Near Jain Mandir, P.S. And Post Tarbahar, Tehsil Bilaspur, Civil And Rev. District Bilaspur District Bilaspur Chhattisgarh.
8. Pramod Goyal S/o Late Dhaniram Goyal Aged About 54 Years R/o Gaddi Chowk, Raigarh, P.S. Kotwali And Post Civil Lines, Civil And Rev. District Raigarh Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through District Magistrate, Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Manoj Paranjape and Shri Prasoon Agrawal, Advocates
For Respondent / State	:	Shri Lav Sharma, Panel Lawyer, on advance copy.

(Hon'ble Shri Justice Chandra Bhushan Bajpai)
Order On Board

06/05/2016

1. Heard on admission.
2. The facts in brief for adjudication of the instant Cr.M.P. are that a Criminal Case No. 10/2015 (State Vs. Jayant Saraf and Ors.) is pending before the Judicial Magistrate First Class, Raigarh (CG). The present petitioners are accused in the said Criminal Case. In the said Criminal Case, one complainant- Smt. Asha Agrawal had filed an application under Section 91 of the Code of Criminal Procedure, 1973 (in brevity the Code). The Court below directed to call for a report from the Police of City Kotwali, Raigarh regarding the alleged seizure of some CD as the complainant by filing the said application prayed that she had presented a CD before the Police Station, City Kotwali, Raigarh and the same was duly seized from the complainant. The Court below had called for a report from the concerned Police Station regarding the facts. Counsel for the complainant, again prays for disposal of the said interim application. The Court below observed that earlier Court had directed for the proceeding as mentioned above. Thereafter, on behalf of the accused Pramod Goyal, i.e. petitioner No.8, prayed for adjournment of the matter. The Court below further appreciated that there is no application or order filed regarding present case filed till date, hence, decided to proceed further for the report as called for and listed the matter for 1st January, 2016. Against the said order, the present petitioners had preferred Criminal Revision No.202200000092016. The 1st Additional Sessions Judge, Raigarh (CG) vide order dated 29.2.2016 held that if the Court below called for a report regarding existence of the said CD from the concerned Police Station, it cannot be held as illegal or erroneous thereby decided the said Cr. Revision and dismissed it. Against the said order, the petitioner had filed the instant Cr. M.P. invoking the jurisdiction under

Section 482 of the Code wherein it is prayed that the order passed by the Court below dated 22.12.2015, the order passed by the revisional Court dated 29.2.2016 be quashed as they are illegal and bad in law.

3. Heard learned counsel for the petitioners on admission.

4. Learned counsel for the petitioners supported the grounds taken in the instant Cr.M.P. and submits that looking to the grounds taken in the matter, specially as per the provisions of Section 59 and 65 of the Evidence Act, 1872 (for short the Act of 1872) the said order passed by the Court below affirmed by the revisional Court is bad in law, hence, the same may be quashed.

5. In order to appreciate the arguments advanced in this behalf perused the instant Cr.M.P., the order of the Court below and the revisional Court and the application filed by the complainant- Smt. Asha Agrawal.

6. From perusal of the order dated 22.12.2015, it appears that as the complainant had filed an application under Section 91 of the Code for directing the SHO Police Station, City Kotwali, Raigarh to produce the said CD allegedly seized from her before the trial Court so that the matter may be disposed of as required. It appears that the complainant had not filed the copy of the said seizure memo along with the said application. To decide the application under the law, it would be appropriate to call for a report from the concerned Police Station regarding existence of the said CD and the use of the said CD may or may not be appreciated after the said report initially to ascertain the whereabouts of the matter is a natural process to ascertain regarding the existence of the said CD or the seizure of the CD if some one pleaded that some CD was seized at the instance of the said complainant, as per natural law, the Court is duty bound to ask with the concerned SHO whether that statement of fact is correct or not. In the facts and

circumstances of the case, I do not see any irregularity or impropriety in the order which is in consequence to ascertain the existence of said fact and verification. In the considered view of this Court, the trial Court as well as the revisional Court had committed no mistake. I am not inclined to interfere with the order passed by the Court below. Consequently, the instant Cr.M.P. being devoid of substance is liable to be dismissed and is hereby dismissed at the motion stage itself.

7. Upon perusal of registration No. of the Cr. Revision as mentioned, it goes to show that the Cr. Revision is registered in 15 digits. It is observed in many cases that in whole of the State sometimes, registration No. regarding CIS are not mentioned. Somewhere it is mentioned in 8 digits, somewhere in 10 digits and presently, the Cr. Revision bears registration No. in 15 digits i.e. Criminal Revision No.202200000092016.

8. Registrar General is directed to take note of this fact and verify whether the registration of the Cr. Revision at Raigarh or in any district of the State of Chhattisgarh reaches up to 15 digits. If any error/fault is being committed by the office of the District Judge and Sessions Judge then the Registrar General is directed to issue instructions again so that the matter may be registered in whole of the State in a manner as required and ordered by High Court on administrative side.

9. The Cr. M.P. is dismissed.

10. No order as to cost.

Sd/

(Chandra Bhushan Bajpai)
Judge

