

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 643 of 2016

Smt. Devki Kumar W/o Laxman Kumar Aged About 25 Years R/o Subhash Nagar, Ward No. 22, Police Station Mahasamund, District Mahasamund Chhattisgarh.

---- Applicant

Versus

1. The Station House Officer Police Station City Kotwali, Mahasamund Chhattisgarh.
2. Dr. Vimal Chopda S/o Nemichand Chopda R/o Baronda Chowk, Mahasamund, District Mahasamund Chhattisgarh.
3. Pawan Patel S/o Rameshwar Patel Aged About 22 Years R/o. Subhash Nagar Ward No. 22, Mahasamund Chhattisgarh.
4. Jagannath @ Jaggu Chura S/o Late Subhash Chura R/o Subhash Nagar, Ward No. 22, Mahasamund, District Mahasamund Chhattisgarh.
5. Smt. Uttara Chura W/o Late Subhash Chura R/o. Subhash Nagar Ward No. 22, Mahasamund Chhattisgarh.
6. Anshul Bharti S/o Baijal Bharti R/o Subhash Nagar, Ward No. 22, Mahasamund, District Mahasamund Chhattisgarh.

---- Non-Applicants

For Applicant: Shri Amit Sharma, Advocate

For Non-Applicant No.1 /State: Shri. Anupam Dubey, Dy.
Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15.07.2016

1. Heard on I.A. No.1/2016 which is an application for condonation of delay.
2. For the reasons assigned in the said application and the same found to be satisfactory, I.A. No. 1 is allowed. Delay of 17 days in filing the present Criminal Revision is condoned.

3. The present Criminal Revision has been preferred against the order dated 16.03.2016 passed by the learned Special Judge (Schedule Caste and Scheduled Tribe Prevention of Atrocities) Act, Mahasamund whereby the Court below has rejected the complaint lodged by the Applicant seeking for registering an offence against the Respondents No. 2 to 6 under Sections 294, 323, 452, 506, 509/34 of IPC and 3(1)(10) of S.C.S.T. Act.

4. The Court below vide its order dated 16.03.2016 has held that since the police has already seized of the matter and has registered the complaint as F.I.R No. 355/15 at Police Station – City Kotwali, Mahasamund under Sections 294, 323, 452, 506/34 of IPC and the investigation was going on, therefore refused to entertain the complaint and rejecting the same.

5. Learned Counsel for the Applicant submits that in addition to the offence under Sections 294, 323, 452, 506/34 of IPC lodged by the Police authorities offence under Section 3(1)(10) of S.C.S.T. Act has also been committed by the Respondents No. 2 to 6. Though the Police Station has registered the offence but has not taken any action in this regard.

6. Once when the Police authorities have intimated that they have registered the FIR and investigation is still undergoing at that stage it would not have been proper for the Court also to interfere and ordered for a trial. It would have been too premature at this stage for the Court to have ordered for registration of the complaint.

7. In the opinion of this Court the Court below has not committed any illegality or infirmity while rejecting the complaint. Further so far as the grievance of the Petitioner that the Police authorities are not

taking any action on the complaint lodged by the Applicant, in the opinion of this Court all that can be done at this stage is to issue directions to the Police authorities to conduct a proper investigation in accordance with law and take a decision on the said complaint as expeditiously as possible.

8. It is made clear that this Court has not expressed any opinion on the correctness of the allegation levelled against the Respondents No. 2 to 6 in the complaint. The Police authorities would be free to hold investigation and reach to a conclusion strictly in accordance with law.

9. With the aforesaid terms the Criminal Revision stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE