

CRM-M-11802-2016 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-11802-2016 (O&M).
Decided on: April 28, 2016.**

Rampal

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.S.K.Garg Narwana, Sr. Advocate, with
Mr.Deepak Hooda, Advocate, and
Mr.Dilbagh Singh, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Petitioner is confined in Central Jail-II, Hisar. He has sought a writ of mandamus against the State authorities by filing a writ petition No.14269 of 2015, for an enquiry on account of atrocities committed upon the petitioner by respondent No.2 who is the Superintendent of the Central Jail-II, Hisar. He has sought a direction for registration of a case against the State officials. The said case is pending before the High Court for 5.5.2016. The petitioner appears to have filed an application before the trial Court on 11.1.2016 levelling allegations against respondent No.2 that he had demanded bribe of Rs.50 lacs from the petitioner for not harassing or humiliating him and to prevent him from humiliating and harassing the petitioner by changing his cell and committing him along with

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inmates who are hardcore criminals. The trial Court has disposed of the said application vide order dated 2.3.2016, by observing that there is no need for pursuing the application further on account of pendency of the matter before the High Court.

Counsel for the petitioner has questioned the legality and propriety of the order dated 2.3.2016, by filing this petition under Section 482 Cr.P.C.

Counsel for the petitioner during the course of arguments has referred to the previous conduct of respondent No.2 on account of which number of complaints Annexure P1 to P3, have been filed against him. He has also referred to chargesheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules. He has also made a reference to the ACR of respondent No.2, wherein it has been recorded that he has got a reputation of extorting money from inmates.

I have heard the learned counsel for the petitioner and carefully applied my thoughts to the facts and circumstances of the present case.

The allegation of extortion is stated to be a subsequent event after filing of the writ petition. In this case the petitioner has levelled allegations of extortion against respondent No.2 who is Superintendent, Central Jail-II, Hisar. The petitioner appears to have not filed any complaint or representation against the conduct of respondent No.2.

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Counsel for the petitioner submits that petitioner is not even permitted to submit any written representation as he is confined in jail and his fundamental rights are being curtailed besides the demand of extortion of money from him by demanding a sum of Rs.50 lacs.

The legality and propriety of the order dated 2.3.2016 cannot be challenged before this Court as this Court is not an appellate Court for such orders.

So far as the exercise of inherent jurisdiction of this Court is concerned, I am of the opinion that the petitioner should have filed a detailed complaint through his legally authorised agent or in person to the Director General of Police (Prison), Haryana. It is pertinent to observe here that in the writ petition filed by the petitioner, the said authority has been impleaded as respondent No.3. The petitioner is aware of the higher authorities/ supervisory authorities of respondent No.2 before whom a claim can be made for an administrative action against respondent No.2.

This petition is disposed of as premature and not maintainable relegating the petitioner to avail the remedy of approaching the above said authority. It will be open to the said authority to look into the allegations of petitioner and take appropriate action as per rules.

April 28, 2016.
rka

(M.M.S. BEDI)
JUDGE