

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 72 of 2017

Itwar Singh Gond S/o Late Samar Singh, Aged About 60 Years R/o Shanti Nagar, Balgi, Near Bazar Pasra, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home Affairs (Police), New Raipur Mantralaya, New Raipur, Civil And Revenue District Raipur (Chhattisgarh)
2. Director General Of Police, Raipur, District Raipur, Chhattisgarh
3. Inspector General Of Police, Range Korba, District Korba (Chhattisgarh)
4. Superintendent Of Police, Korba, Civil & Revenue District Korba, Chhattisgarh.
5. District Magistrate, Korba, Civil & Revenue District Korba, Chhattisgarh.
6. Station House Officer Police Station Bankimongra, Civil And Revenue District Korba (Chhattisgarh)
7. Parmeshwar, S/o Johan Sarthi, Aged About 22 Years R/o Shanti Nagar Balgi, Near Bazar Para, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)
8. Kamal Kishore, S/o Anand Ram, Aged About 32 Years R/o Shanti Nagar Balgi, Near Bazar Para, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)
9. Shubham, S/o Prabhat Nirmalkar, Aged About 25 Years R/o Shanti Nagar Balgi, Near Bazar Para, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)
10. Bhola, S/o Khikram, Aged About 23 Years R/o Shanti Nagar Balgi, Near Bazar Para, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)
11. Roshan, S/o Vishram Chandrakar, Aged About 28 Years R/o Shanti Nagar Balgi, Near Bazar Para, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)
12. Sonu, S/o Devkumar Bareth, Aged About 28 Years R/o Shanti Nagar Balgi, Near Bazar Para, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)
13. Rijwan, S/o Pir Mohammad, Aged About 30 Years R/o Surakachhar Near

Khadan Main Gate, Post Bhairotal, Thana Bankimongra, Tahsil Katghora, Civil And Revenue District Korba (Chhattisgarh)

14. Pradeep, S/o Pir Mohammad, Aged About 31 Years R/o Village Chhinpur Darri, Bhilai Bazar Ke Aage, Chowki Hardibazar, Thana Kusmunda, District Korba (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri Punit Ruparel, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/03/2017

Heard.

1. The grievance of the petitioner in this petition is that while carrying out investigation in a case of commission of offence of murder, the police, while filing charge sheet, has not involved all those persons who have committed the offence.
2. According to the petitioner, respondents No. 7 to 14 are also involved in the alleged commission of offence, but they have not been made accused and the charge sheet has been filed only against five accused. According to learned counsel for the petitioner, there was enough material available with the police which prima facie indicated involvement of private respondents in the alleged commission of offence, yet no charge sheet has been filed against them, therefore, appropriate direction may be issued to the Station House Officer of the concerned police station to file supplementary charge sheet involving private respondents also as accused.
3. Learned counsel for the State submits that after detailed investigation made, the police has submitted charge sheet in the Court against five persons. He submits that till the stage of filing of report under Section 173 Cr.P.C. against five persons, there was no enough material available on record to involve private respondents. However, as and when any incriminating evidence is disclosed to

the police, it would have the power to prepare the supplementary charge sheet.

4. In this case, the petitioner's allegation that some more persons should be involved in the case as accused is a matter of enquiry on factual aspects. The investigation is complete and charge sheet has also been filed. It is also found that in the FIR and case diary statements, the name of proposed accused do not find place, therefore, it would be a matter of factual enquiry which cannot be gone into by this Court. Moreover, at later stage of trial, if any evidence comes on record before the trial Court regarding involvement of any person, nothing stops the trial Court from exercising power under Section 319 Cr.P.C. to frame charges against other persons.
5. Subject to observations made herein-above, this petition is disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge