

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 85 of 2017

1. Vikas Agrawal, S/o. Shri Ramawatar Agrawal, Aged About 35 Years, Proprietor Shri Traders, Shop No. 19, Subhada Complex, T. P. Nagar, Korba, Police Station, Tahsil And Distt Korba, (Chhattisgarh)

----Petitioner

Versus

1. The State Of Chhattisgarh, Through The Secretary, Department Of Home Affairs, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Superintendent Of Police, Distt. Korba, (Chhattisgarh)
3. The Station House Officer, Police Station- City Kotwali, Korba, Distt. Korba, (Chhattisgarh)
4. Vishal Singh, Director, Navbharat Fuse Company Limited, Steel Division, Registered Office, Navbharat Udyog Bhawan, Telibandha, Ring Road No. 01, Raipur, Distt. Raipur (Chhattisgarh)

---- Respondents

For Petitioner	: Mr. Malay Kumar Bhaduri, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/03/2017

1. The instant petition has been filed by the petitioner for the following relief:-

“A. The Hon'ble Court may kindly be pleased to call for the records pertaining to the present case from the concerned authorities.

B. The Hon'ble Court may kindly be pleased to issue appropriate direction(s) and order(s) to the Respondent

No.1 to 3 to investigate the matter in accordance with law laid down by the Supreme Court in Lalita Kumari's case and submit the report before the Competent Criminal Court.

C. The Hon'ble Court may kindly be pleased to grant any other relief(s), which deems fit and proper in the facts and circumstances of the case with cost.”

2. Perusal of the report dated 12.08.2016 would show that a report was made by Vikas Agrawal, the petitioner that he had supplied coal of 101.31 ton, 255.10 tone and 80.42 tons respectively to the respondent No.4 and he was to receive an amount of Rs.15,59,310/- from the respondent No.4.
3. Since the amount was not paid, the notice was issued on 31.10.2014 but the said notice was not replied. Subsequently, another notice and different letters were issued and eventually on 04.02.2015 an amount of Rs.4.00 Lakhs was paid. Subsequently, again on 27.03.2015, Rs.4.00 Lakhs was paid. Thereafter, out of the amount of Rs.15,59,310/-, Rs.8.00 Lakhs was paid and Rs.7,59,310/- was outstanding but the said amount is not being remitted for some reason or other and the request of the petitioner is being avoided for payment of remaining amount. It is stated that on 24.05.2016, the petitioner further met to the respondent No.4 and he assured that he would paid the rest of the amount, however, the same was not paid within specified time.
4. Considering such report, it appears that it is an out and out of civil transaction for the goods supplied and it appears that entire amount due was not paid and the part was paid and the transaction appears to be for supply of coal of the year 2014 and further part of sale

consideration was not paid.

5. Considering the same, I do not find any merits in this case and the facts of the case suggest that its a complete commercial transaction in between the parties, therefore, the petition is being devoid of merits and it is accordingly dismissed at admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge

Balram