

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR). No. 292 of 2017

1. Jitendra Gadhewal, S/o. Shri Sukul Gadhewal, Aged About 36 Years, R/o. Lingiyadih, Durga Nagar, Thana -Sarkanda, District -Bilaspur (Chhattisgarh).
2. Rajesh Kumar Khairwar, S/o. Shri Baban Ram Khairwar, Aged About 30 Years, R/o. City Park, Mopka, Thana -Sarkanda, District- Bilaspur (Chhattisgarh).

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Secretary, Department of Home, Mahanadi Bhawan, Capital Complex, P. S. Rakhi, New Raipur, District Raipur (Chhattisgarh).
2. Superintendent of Police, Office Of Superintendent Of Police, Bilaspur, Police Head Office Tilak Nagar, Bilaspur (Chhattisgarh).
3. R. P. Tiwari, Sub Inspector, Police Station -Sarkanda, District -Bilaspur (Chhattisgarh).
4. Anil Tiwari, Station House Officer, Police Station -Sarkanda, District -Bilaspur (Chhattisgarh).
5. Golu Shrivastava, S/o. Shri Deepak Shrivastava, Aged About 27 Years, R/o. Near Darji Mandir, Gondpara, P. S. City Kotwali, District Bilaspur (Chhattisgarh).
6. Deepak Netam, S/o. Parau Netam, Aged About 23 Years, R/o. Near Khamtarai Water Tank, Police Station -Sarkanda, District Bilaspur (Chhattisgarh).
7. Inspector General of Police, Bilaspur Range, Bilaspur (Chhattisgarh).

-----Respondents

For Petitioner	: Mr. Rahul Tamaskar, Advocate
For Respondents/State No.1, 2 & 7	: Mr. Neeraj Sharma, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/08/2017

Heard.

1. Counsel for the petitioners submits that on the basis of information given by the petitioner No.2, FIR dated 12.10.2016 was lodged in P.S. - Sarkanda, in which he has narrated the whole incident that took place with him and about the offence committed by respondent No.5 & 6. Statement of the petitioner No.2 was recorded during the investigation, in which he narrated in accordance with information given in the FIR. After filing of the charge-sheet and on going through the record it appears to him that statement recorded under Section 161 of Cr.P.C. has been manipulated and some part of his statement is omitted. Hence this petition with prayer to direct the police authorities to further investigate the matter and for recording fresh statement of the petitioner No.2 and also with prayer to departmentally proceed against respondent No.3 and 4.
2. Counsel for the respondent/State No.1, 2 & 7 have opposed the submission made and it is submitted that the bonafides of investigation conducted can not be questioned.
3. I have heard the learned counsel for the parties and perused all the documents placed on record.
4. After due consideration on the submission made and making comparison of the contents of the FIR and the statement under Section 161 of Cr.P.C. recorded of the petitioner No.2/complainant in the case, this appears to be a case, in which suitable directions are required to be issued and the case can be disposed of with direction. Hence, this

petition is allowed at the motion stage. Respondent No.1, 2 & 7 are directed to consider on the complaint Annexure P/2 and P/3 dated 27.03.2017 and conduct enquiry with respect to the allegation made by the petitioners about the part of statement omitted in his statement under Section 161 of Cr.P.C. and do the needful, if required by taking any departmental action against concerned investigation officer and it is also directed to record statement of the petitioner under Section 161 of Cr.P.C. by way of additional investigation and submit the same before the trial Court by way of supplementary document in charge-sheet.

5. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram