

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 331 of 2016**

- Ajay Kumar Kawrey S/o Yama Kawrey, Aged About 47 Years Occupation Service And Working As A Ranger In Forest Range, Sukma At Present Posted At Indravati National Park, Bijapur, Distt. Bijapur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Economic Offence Wing, Anti Corruption Bureau, Raipur Through The Superintendent Of Police, Anti Corruption Bureau, Raipur, District Raipur (Chhattisgarh)
3. Economic Offence Wing, Anti Corruption Bureau, Jagdalpur Through The Deputy Superintendent Of Police, Anti Corruption Bureau, Jagdalpur, District Jagdalpur (Chhattisgarh)
4. State Of Chhattisgarh, Through Secretary Law And Legislation Department, Mantralaya, Mahanadi Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
5. State Of Chhattisgarh, Through Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner : Shri Awadh Tripathi, Advocate.

For Respondent/State : Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/08/2017**

Heard.

1. Petition under Article 226 of Constitution of India has been brought with a prayer for issuance of directions to the respondent authorities.

2. It is submitted by counsel for petitioners that on the basis of some confidential information, on 20.7.2015 the house of petitioner was raided by respondent-3 and thereafter, FIR under Crime No.41/2015 was registered for the offence punishable under Section 13 (1) (e) read with Section 13 (2) of the Prevention of Corruption Act, 1998. Respondents No.2 and 3 sought information from the petitioner with respect to the property and assets found with petitioner and his family members and to explain the source of income for acquisition of the properties and the assets. Petitioner submitted the information in Form Nos.1, 2 & 3 on 20.10.2015 and 28.10.2015 respectively.
3. A report of agricultural income was called by the respondents from the office of Tahsildar, Mahasamund, office of Deputy Director, Horticulture Department, Mahasamund, Patwari-Mahasamund and the information was also collected from the Chief Conservator of Forest Chhattisgarh Government. Petitioner has also submitted documents of income tax returns filed by him as well as his family members i.e. his wife, father and cousin brother. As per the information received by the petitioner, the reports called and the documents filed by the petitioner have not been taken into account in the investigation and thus, the principles of natural justice is being disregarded by the investigating authority while investigating the case against the petitioner.
4. Learned counsel for respondents submits that the case against the petitioner is still under investigation and petitioner is under a wrong impression that the reports called with respect to the income from agricultural land etc. and the documents filed by the petitioner along with Form Nos.1, 2 & 3 shall not be considered, any such allegation that the explanation offered by petitioner/accused of the case was not taken into consideration can be raised only after filing of the charge-sheet of the case, hence, the present petition has no substance.
5. Heard both the parties and perused the material on record.
6. Considering the fact that the case against the petitioner is still under investigation it would be appropriate to dispose off this case by issuing directions to the respondent/Investigating Authorities in this case. Hence, respondents No.2 and 3 are directed to take into consideration all

the documents submitted by the petitioner in support of his case and the explanation offered by him before taking any decision with respect to the filing charge-sheet or final report as the case may be. It is made clear that while considering the documents and explanations offered by petitioner, the Investigation Authority need not be influenced by any of the observations made in this order.

7. With the above observations, this petition is disposed of at the motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE

Nisha