

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2453 of 2017

Daneshwar Sahu S/o Shri Shatrughan Lal Sahu, aged about 32 yrs., R/o Village And Post Dhaur, P S Jamul, Tahsil And District Durg (Chhattisgarh).

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Home, Mahanadi Bhawan, Mantralaya, Post & P S Mandir Hasaud, Raipur (Chhattisgarh).
2. Inspector General, Range Durg, 32 Bungalow, Bhilai, District Durg (Chhattisgarh).
3. Superintendent Of Police, Durg District Durg (Chhattisgarh).
4. Additional Superintendent Of Police, (Rural) And Enquiry Officer District Durg (Chhattisgarh).

---- **Respondents**

For Petitioner	:	Mr. Varun Sharma, Advocate.
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/10/2017

Heard.

1. The petitioner's grievance is on account of further progress in the charge sheet issued subsequently on 05.01.2017.
2. Learned counsel for the petitioner submits that earlier the petitioner had approached this Court and it was brought to the notice of this Court that two charge sheets have been issued to the petitioner in respect of the same charges and this Court in the circumstances, granted liberty to the respondents to proceed with the first enquiry only which was initiated upon issuance of charge sheet dated 22.07.2015. However, the respondents are still continuing with the second charge sheet, contrary to the direction of this Court passed on 03.05.2017 in WPS No.799 of 2017.

3. Learned State counsel submits that the first charge sheet was issued at the time when the petitioner was in jail and therefore necessity arose to issue second charge sheet because the first charge sheet could not be served on the petitioner.
4. Be that as it may, in view of earlier order dated 03.05.2017 passed in WPS No.799 of 2017, the respondents would be at liberty to proceed only with the first enquiry and the spirit of the order passed earlier clearly restrains the respondents from proceeding further with the second enquiry. The second charge-sheet shall be treated as null and void and no further proceeding shall be drawn on the basis of second charge-sheet. As directed earlier, the respondents would be at liberty to proceed with the first enquiry and bring it to its logical conclusion.
5. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E