

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 342 of 2016

1. Smt. Sushila Sahu, aged 34 years, W/o. Shri Rajnish Sahu, R/o. Seepat – Road, Sarkanda, Bilaspur, Police Station – Sarkanda, Tahsil and District – Bilaspur (C.G.)

----Petitioner

Versus

1. State of Chhattisgarh, Through : The Secretary, Department of Home, Mahanadi Bhavan, New Raipur (C.G.).
2. Station House Officer, Police Station – Sarkanda, Bilaspur, Tahsil and District – Bilaspur (C.G.)

---- Respondents

For Petitioner	: Mr. Somnath Verma, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/02/2017

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

“10.1 That, the respondents may kindly be directed to produce the entire records relating to this case.

10.2 That, this Hon'ble Court may further be pleased to pass any order or issue any suitable writ as this Hon'ble Court deems fit under the circumstances of the case including the cost of the petition.

10.3 That, the respondents may kindly be directed to comply the order of the learned J.M.F.C.”

2. Learned counsel for the petitioner would submit that on 03.02.2014 an order was passed by the Judicial Magistrate, wherein the report filed by the police was not accepted and police was directed to complete

the investigation and file its report. Subsequently, the petition bearing W.P.(Cr.) No.68/2014 was filed, wherein this Court after hearing the parties, following order was passed :-

“After going through the petition and order passed by the Magistrate, I find that the Magistrate directed the Station House Officer to hold proper investigation and file report only in the month of February, 2014. Therefore, in these circumstances, it can not be said that there is undue delay in completing the investigation. Therefore, in these circumstances, I am not inclined to issue any time bound direction to the investigating agency, except observing that in view of the order of the Magistrate, the concerned police station should carry on proper investigation and report shall be submitted as early as possible.

With the aforesaid observation, the petition is finally disposed off.”

3. Again, the instant petition is filed claiming the similar relief, therefore, having been adjudicated once it would not be proper for this Court to adjudicate the issue for which an order already exists. The petitioner if at all was aggrieved by the non-compliance of the order dated 25.04.2014, appropriate proceedings could have been resorted within time and having not done so, the second petition has been filed. Consequently I am not inclined to issue any direction.
4. Accordingly, the petition is dismissed at admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge