

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 227 of 2017**

1. Malkit Singh Gaidu S/o Shri Mohender Singh Gaidu, Aged About 52 Years R/o Jagdalpur, District Baster (Chhattisgarh).
2. Sonu Bhadoriya S/o Brijendra Singh Bhadoriya, Aged About 37 Years R/o Nayapara, Jagdalpur, District Baster (Chhattisgarh).

---- Petitioners**Versus**

1. State Of Chhattisgarh Through its Principal Secretary, Department Of Home Mantralaya, Raipur (Chhattisgarh).
2. Collector, Baster District Baster (Chhattisgarh).
3. Superintendent Of Police, Baster, District Baster (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Sourabh Bhushan Shrivastava, Advocate.
For State/respondent	:	Shri Neeraj Sharma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/07/2017**

Heard.

1. Petition under Article 226 of Constitution of India has been brought by the petitioner with a prayer to exercise supervisory jurisdiction to interfere with the parallel proceedings against the petitioner which amounts to double jeopardy.
2. It is submitted by counsel for petitioner that a notice to show cause dated 17.5.2017 was issued by respondent No.2 (District Magistrate) Bastar at Jagdalpur against the petitioner Sonu Bhadouriya vide **Annexure P-1** and the same proceedings was drawn against the petitioner Malkhan Singh vide order-sheet dated 17.5.2017 **Annexure P-2** under Section 8 of Rajya Suraksha Adhiniyam, 1990 mentioning in the notices the criminal cases against the petitioners registered in Crime No.33/2014 of PS-Bodhghat under Section 447

and 379 of IPC, Crime No.487/2006 of PS-Bodhghat under Section 147, 149, 436 and 307 of IPC and under Sections 3 and 5 of Electricity Act and 3(9) and 3/2(4) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities] Act, 1989, a Complaint No.580 of 2008 under Section 107, 116(3) of Cr.P.C., Crime No.289 of 2001 under Sections 147, 148, 149, 294, 506B, 452, 427, 307, 323 of IPC, Crime No.104 of 2017 of PS-Nagarnar under Sections 294, 341, 307, 427, 506(B), 147 and 149 of IPC and 25 and 27 of Arms Act and another criminal case in Crime No. 105/2017 of PS-Nagarnar under Sections 294, 506(B), 384, 507 of IPC, asking the petitioners to show cause as to why the order of externment be not passed against them. Later on, respondent No.2 passed the order under Section 3 (2) (3) of National Security Act, 1980 for detention of the petitioners vide **Annexure P-3** and **Annexure P-4** for both the petitioners with similar contents in which the details of criminal cases are identical with the details of previous notice.

3. It is submitted by counsel for the petitioners that petitioners cannot be proceeded against under the provisions of C.G. Rajya Suraksha Adhiniyam, 1990 and National Security Act, 1980, at the same time. This amounts to double jeopardy, hence, suitable order be passed.
4. Learned State counsel submits that this petition may be disposed off with a suitable direction.
5. Considering the material on record, it appears that the petitioners are being proceeded against under the provisions of C.G. Rajya Suraksha Adhiniyam, 1990 and under the provisions of National Security Act, 1980, at the same time. This amounts to double jeopardy and passing a separate order in both the proceedings would amount to the violation of the right of the petitioner under Article 20(2) of the Constitution of India, hence, it is directed that respondents shall take up both the matters for merging both the proceedings into a single proceeding against the petitioner and disposed off in accordance with law.
6. With these observations and directions, this petition is disposed of.

Sd/-
(**Rajendra Chandra Singh Samant**)
JUDGE