

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 373 of 2017

Dau Singh Parihar S/o Late Sangam Singh Aged About 49 Years
R/o Village Puran Tahsil & District Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Superintendent Of Police
Mungeli District Mungeli Chhattisgarh.
2. The Station House Officer, Police Station City Kotwali Mungeli
District Mungeli Chhattisgarh.

---- Respondents

For petitioner – Shri B.M. Roy, Advocate.
For Respondent/State –Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/12/2017

1. Instant petition is filed claiming the following reliefs:-

(i) This Hon'ble High Court may kindly please to direct the respondent police for fair investigation and considering the representation dated 6/07/2017.

(ii) This Hon'ble High Court may kindly please to direct the respondent police for investigating the fact that, whether the petitioner was present at the time of incidence and in case, it is found that, he was not present at the place at relevant time of incidence, then they may be directed to submit closure report as it relates to petitioner before the competent court of law in accordance with law.

(iii) This Hon'ble Court may kindly be pleased to grant any other reliefs in the discretion looking to the facts & circumstances of the case, in favour of the petitioner, which deemed fit & proper in the eyes of law.

2. Learned counsel for the petitioner submits that the petitioner was not present while the incident had occurred and no proper investigation has been carried out. He further submits that he was away from the place

of incident which has not been properly investigated, therefore petitioner may be exonerated of the allegation.

3. Reply of the State would show that certain statements have been filed of the witnesses wherein presence of the petitioner is been fortified at the time of incident. Therefore, question of alibi cannot be decided by this court while adjudication of petition under Section 482 of Cr.P.C. It is for the trial court to adjudicate the same when prima facie statement of the witness includes the name of the petitioner. Considering the reply of the State, I am not inclined to admit this petition in exercise of power under section 482 of Cr.P.C.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE