

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 05 OF 2017**

1. In Reference Of Courts On Its Own Motion (Regarding Missing Of Bed Singh Bhaina) Same Lal Bhaina S/o Ganpat Bhaina, Present R/o Village & Post Khairjhiti, Village Panchayat Aamamuda, Tahsil Belgahana, Thana Kota, District Bilaspur (Chhattisgarh)
2. Kalam Singh Bhaina, S/o Samelal Bhaina, Village & Post Chhatauna, Tah Belgahana, Thana Kota, District Bilaspur (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Home Department, Raipur, District Raipur, (Chhattisgarh)
2. Superintendent Of Police, Bilaspur, District Bilaspur, (Chhattisgarh)
3. Station House Officer, Kota, Police Station Kota, District Bilaspur, (Chhattisgarh)
4. Tiharu Bhaina, S/o Ganpat Bhaina, R/o Village Chhatauna, Tahsil Belgahana, Thana Kota, District Bilaspur, (Chhattisgarh)
5. Janak Bhaina, S/o Ganpat Bhaina, R/o Village Chhatauna, Tahsil Belgahana, Thana Kota, District Bilaspur, (Chhattisgarh)
6. Durjan Bhaina S/o Ganpat Bhaina, R/o Village Chhatauna, Tahsil Belgahana, Thana Kota, District Bilaspur, (Chhattisgarh)
7. Itwar Bhaina, S/o Birbal Bhaina, R/o Village Chhatauna, Tahsil Belgahana, Thana Kota, District Bilaspur, (Chhattisgarh)

---- Respondents

For State : Mr. Y.S. Thakur, Additional Advocate General

**Hon'ble Shri Deepak Gupta, Chief Justice &
Hon'ble Shri Sanjay Agrawal, J.**

Order on Board

Per Deepak Gupta, Chief Justice

13/02/2017

1. This petition was initiated suo motu based on a letter received by one of us (Chief Justice).
2. In this behalf, we may make a reference to the order dated 17/01/2017, which reads as follows:-

"17/01/2017

This petition has been registered on the basis of a communication addressed to one of us (Chief Justice).

The complaint of the Petitioner-Samelal Bhaina is that he is a poor tribal. According to him, his son-Bed Singh Bhaina was missing from the village since 15.11.2016. A report was lodged with Out Post Belgahna on 18.11.2016. The complaint of the Petitioner is that despite his insistence, FIR was not recorded, Though the police recorded the statements of the family members of Bed Singh Bhaina, it is alleged that the police officials left the village saying the family members that they themselves should trace out the missing person.

If the aforesaid allegations are true, then there is definitely laxity in the part of the police in conducting the investigation.

Notice of this petition be issued at the first instance to the State of Chhattisgarh, Superintendent of Police, Bilaspur and the officer-in-charge of Police Station Kota.

The Superintendent of Police, Bilaspur is directed to

personally look into the matter and file his affidavit within a period of three weeks from today.

List the matter on 13.02.2017.”

3. Now, reply has been filed and it is stated that the dead body of Bed Singh Bhaina was found. Thereafter, the petitioners have been examined and they have raised suspicion on some persons and the investigation is going on.
4. Keeping in view the efforts made by the police, we close this petition with a direction to the police to ensure that the matter is investigated in a fair manner and as quickly as possible.
5. With the above, the petition is disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE