

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1276 of 2016**

- Rajkumar Mishra, S/o Late Ganesh Prasad Mishra, Aged About 46 Years, R/o Haldiwadi, Chirmiri, Thana- Chirmiri, Tahsil Khadgawan, District Korea, Chhattisgarh. **---- Petitioner**

Versus

- State Of Chhattisgarh Through Aarakshi Kendra, Chirmiri, District Koriya, Chhattisgarh. **---- Respondent**

For Petitioner	:	Petitioner in person
For Respondent State	:	Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****13/01/2017**

1. Heard on admission.
2. This is a petition filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) against the order dated 03.05.2016 passed by the Judicial Magistrate First Class, Chirmiri, Dist. Korea, whereby the application filed by the petitioner under Section 91 of the Cr.P.C. has been rejected.
3. It is submitted by Shri Rajkumar Mishra that for proving his complaint petition, the entire papers pertaining to the departmental enquiry as conducted by the Urban Administration and Development Department against the non-applicants are necessary, and therefore, prayed for summoning of the relevant documents in this matter.
4. After considering the said application, it was observed by the trial Court in its impugned order that the documents as required by the complainant are not essential documents, and therefore, they are not essential for just and proper

adjudication of the matter. In consequence, the application filed by the petitioner under Section 91 of the Cr.P.C. has been rejected.

5. I have heard Shri Rajkumar Mishra and Shri V.B.Singh and perused the entire record carefully.

6. The petitioner – Shri Rajkumar Mishra, being R.T.I. Activist, has submitted an application under Section 156 (3) of the Cr.P.C. against the non-applicants by praying for lodging the first information report against them with regard to the cognizable offence. The matter was listed for evidence before its registration and, in the meantime, he moved an application under Section 91 of the Cr.P.C., in which, it has been stated that departmental enquiry with regard to the issues involved in this matter was conducted against the non-applicants by the Urban Administration and Development Department. It is stated further in the said application that he has filed the copy of the order passed in the said enquiry after obtaining the same under Right to Information Act, and therefore, praying for requisitioning the entire documents pertaining to the said enquiry in this matter.

7. However, from perusal of the record, it is apparent that the concerned papers, as sought to be summoned from the Urban Administration and Development Department, are not essential as the copy of the order passed in the said departmental enquiry has already been submitted by the petitioner, therefore, they are not necessary to be summoned. The trial Court has, thus, rightly rejected the said application filed under Section 91 of the Cr.P.C., and therefore, the order impugned does not require to be interfered.

8. In view of above, the petition being devoid of merit, is hereby dismissed.

Sd/-

(Sanjay Agrawal)
Judge