

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 48 of 2017

Madhav Singh Chandel, S/o. Late Nepal Singh Chandel, Aged About 49 Years, Occupation Service, Patwari Halka No. 43, Village Surdung, Tahsil Dhamdha, R.I. Circle Ahiwara, Civil & Revenue District Durg (Chhattisgarh) .

----Petitioner

Versus

State Of Chhattisgarh, Through The Anti Corruption Bureau, Raipur (Chhattisgarh)

---- Respondent

For Petitioner	: Mr. Dinesh Tiwari, Advocate
For State	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/02/2017

Heard

1. The petition is against framing of charges under Section 7, 13(1)(d) & 13(2) of the Prevention of Corruption Act, 1988 and the relief is claimed as under :

10.2). It is, therefore, prayed that this Hon'ble Court may be pleased to allow this petition, set aside the order dated 16.01.2017 (Annexure P-1), allow the application seeking discharge and acquit the petitioner of all the charges in the interest of justice and/or pass such other orders in favour of the petitioner as this Hon'ble Court may deem fit in the facts and circumstances of the case.

2. Perused the order dated 16.01.2017 which shows that the evidence of the prosecution has already been completed, therefore, the order which is impugned and the prayer made are completely contradictory and there is no synchronisation as to what relief

actually been claimed. The relief claimed is predominantly is for discharge. Considering the stage of trial, it would not be proper for this Court to order for *de novo* trial and interfere with the charges framed. It is for the trial Court to consider the same, as the evidence of the prosecution is complete as per the order of the Court below.

3. In view of the above, the petition is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge