

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 799 of 2017

- Daneshwar Sahu S/o Shri Shatrughan Lal Sahu, Constable No.1718, R/o Village And Post Dhaur, P S Jamul, Tahsil And District Durg (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Post & PS Mandir Hasaud, Raipur (Chhattisgarh)
2. Inspector General, Range Durg, 32 Bungalow, Bhilai, District Durg (Chhattisgarh)
3. Superintendent of Police, Durg, District Durg Chhattisgarh.

---- Respondents

For Petitioner	Shri Varun Sharma, Advocate
For Respondent-State	Shri Arvind Dubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

03/05/2017

1. Considering the short issue involved in this writ petition, it is taken up for disposal at this stage with the consent of learned counsel for the parties.
2. On account of an incident happened on 08.06.2015, the petitioner, who is a constable, was criminally prosecuted along with two other constables and one sub inspector. At the same time, the departmental enquiry was constituted against them, which proceeded against the remaining delinquents, but on 09.11.2015, it was dropped conditionally against the petitioner

with stipulation that as and when he is released from jail, the enquiry shall proceed against him. After his release from the jail, instead of continuing with the earlier enquiry, the respondents issued fresh charge sheet against the petitioner, which is under assail in this petition.

3. After hearing learned counsel for the parties, it appears, ends of justice would be served if the respondents are directed to proceed with the first enquiry from the stage where it was kept in abeyance vide communication dated 09.11.2015 issued from the office of Inspector General of Police, Durg.
4. Accordingly, the writ petition is disposed of with the above direction.
5. At this stage, learned counsel for the petitioner would submit that in the denovo enquiry, the petitioner had moved an application for supply of documents, which has been rejected on 24.01.2017, therefore, the petitioner is aggrieved by this order also. Since in the earlier part of this order, this Court has directed the respondents to proceed with the first enquiry, it will remain open for the petitioner to move fresh application for supply of necessary documents before the Enquiry Officer who shall conduct the first enquiry. In such eventuality, his application shall be considered in accordance with law.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA