

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR). No. 168 of 2017

1. Sitaram Sinha, S/o. Late Shri Parasram Sinha, Aged About 59 Years,
2. Punit Sinha, S/o. Late Shri Parasram Sinha, Aged About 49 Years,
3. Binod Sinha, S/o. Late Shri Parasram Sinha, Aged About 41 Years,
4. Smt. Ramdulari Sinha, W/o. Shri Sitaram Sinha, Aged About 49 Years,
All R/o. Village Sakada, Block -Pithaura, Distt. Mahasamund
(Chhattisgarh).

---- Petitioners

Versus

1. State of Chhattisgarh, Through : Superintendent Of Police,
Mahasamund, District Mahasamund (Chhattisgarh)
2. Ritesh Shrivastava, Sub -Divisional Officer, Police Officer, Pithaura,
District- Mahasamund (Chhattisgarh)
3. Station House Officer, Police Station -Pithaura, Distt. Mahasamund
(Chhattisgarh).

-----Respondents

For Petitioner	: Mr. Awadh Tripathi, Advocate
For Respondents/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/09/2017

Heard.

1. Counsel for the petitioners submits that a complaint was made against the petitioners and others in Police Station – Pithoura in Crime No. 308/2014. The police has investigated the case and charge-sheet has been filed against three persons on 08.10.2015 and petitioners were excluded from that prosecution. It is submitted that thereafter, Police

Station – Pithoura has made a written submission before the Court of Judicial Magistrate First Class, Pithoura stating that while investigation, no offence could be found against the petitioners for prosecuting them but if it is found later on that the petitioners are also involved in the crime in that case, further proceeding may be taken up as per the orders of the Court.

2. It is submitted by the counsel for the petitioners that after complete investigation, petitioners were exonerated from the prosecution, even then they are being continuously harassed by the respondent, hence for these reasons, this petition has been brought with prayer to issue specific directions.
3. Counsel for the State has opposed the grounds raised in the petition and the submission made in this respect. It is submitted that concerned police station has the authority to conduct additional investigation and if some substance is found against the petitioners in that case can proceed accordingly. It is also submitted that, if during the recording of evidence, before the trial Court, any material is brought on record against the petitioners, in that case petitioners may be proceeded in accordance with law.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. The grievance of the petitioners before this Court to be this that the investigation that has started from the year 2014, in which no evidence was found against the petitioners regarding their involvement in the offence committed by other accused persons. Even then, the case is being taken up again and again by the concerned police station for which they are unnecessarily called and harassed.

6. Counsel for the petitioners submits that if the trial Court passes some orders against the petitioners, then the petitioners are ready to abide by the orders of the Court, but some direction may be issued so that petitioners are not harassed time and again.
7. Considering all the material on record, it appears that, there is no requirement of passing any such order or any grant of relief. Hence this petition is disposed off with direction. It is directed that respondents shall not call and harass the petitioners with respect to the case concerned until and unless they have collected substantial evidence in case additional investigation, if any, is conducted in the concerned case. With this observation and direction, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram