

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 56 of 2014**

- Rajendra Singh S/o Late Madhav Singh, Aged About 67 Years
R/o House No. 38/297, Near Hindu Milan Mandir, Hemu Nagar,
Distt. Bilaspur C.G.

---- Petitioner**Versus**

- N.K. Aswal S/o Secretary, Department of Home, Mantralaya,
Mahanadi Bhawan, New Raipur, Distt. Raipur C.G.

---- Respondent

For Petitioner	:	Shri Chandresh Shrivastava, Advocate
For Respondent	:	Shri Kishore Bhaduri, Advocate

**Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice &
Hon'ble Shri Justice Pritinker Diwaker**

Order on Board by Chief Justice**20/03/2017**

Learned counsel for the petitioner after arguing this matter for quite sometime pointed out that the Case No. WPCR No.118/2016 has been filed on the basis of subsequent event when according to his client, investigation could be treated as misdirected.

(2) This application for initiating action under the Contempt of Courts Act is founded on the direction which could be read from paragraphs 15 to 17 of judgment dated 01.08.2013 in Writ Appeal No.440/2011. This Court through paragraph 15 of that judgment left it to the wisdom of the State Government through Home Secretary to decide as to whether the case would be referred to any other agency (C.I.D. or C.B.I) or whether the case should continue for investigation with any

officer higher in order and a person other than the one who had been carrying with the investigation earlier.

(3) It appears that at least after this contempt of courts case was instituted, a decision has been taken to entrust the investigation to another police officer, higher up in the order of hierarchy. Technically speaking, it would be out of place to proceed further on the premise that there is contempt of courts on the part of respondent.

(4) The delay in investigation even in spite of the direction given through paragraph No.17 of the judgment may have different colours and shades. We say this because there may be different reasons that the investigator may offer for the delay in completing the investigation.

(5) We record the submission on behalf of the petitioner that it is the real apprehension of the petitioner that the case may be ultimately dumped by the police as undetected one. Obviously, all doors should be open for the grievances to be ventilated in accordance with law.

(6) For the aforesaid reason, this contempt of court case is closed leaving open the eligibility of the petitioner to prosecute that case (WPCR No.118/2016) and also another matter in relation to issues at hand, untrammelled by anything stated in this order, in accordance with law. Ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)

Chief Justice

Sd/-

(Pritinker Diwaker)

Judge