

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 581 of 2016

Onkar Prasad Chandra S/o Dayaram Chandra, Aged About 58 Years
 R/o. Village Thuthi, P. S. And Tahsil Jaijaipur, District Janjgir Champa
 (Chhattisgarh)

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Superintendent Of Police, Janjgir, District Janjgir Champa (Chhattisgarh)
3. Station House Officer, Police Station Jaijaipur, District Janjgir Champa (Chhattisgarh)
4. Ramlal S/o Panchram Yadav, Aged About 46 Years R/o. Village Thuthi, P. S. And Tahsil Jaijaipur, District Janjgir Champa (Chhattisgarh)
5. Smt. Neera Manhar W/o Sukhram Manhar, Aged About 40 Years R/o. Village Thuthi, P. S. And Tahsil Jaijaipur, District Janjgir Champa (Chhattisgarh)

---- Respondents

For Appellant	: Shri Yogesh Chandra, Advocate.
For Respondent/State	: Shri Arun Sao, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

02/01/2017

1. I.A. No.1 of 2016 has been filed to condone delay of 5 days in filing the writ appeal. For the reasons mentioned in the application, I.A. No.1 of 2016 is allowed. Delay in filing the appeal is hereby condoned.
2. This appeal is directed against the order dated 19.10.2016 passed by Learned Single Judge of this Court in Writ Petition (Cr) No.195 of 2016. The Appellant/writ Petitioner filed a writ petition praying that the Station House Officer, Jaijaipur, District Janjgir-Champa be directed to investigate and file final report as per directions given by the Judicial Magistrate First Class, Jaijaipur, District Janjgir-Champa.

3. The stand of the State before the Learned Single Judge was that the report has already been filed, copy of which has been annexed with the return in the writ petition as Annexure-R/1.

4. Shri Chandra states that there are contradictions in the report.

5. Even if there are contradictions in the report, he may bring it to the notice of the Magistrate concerned. It is not for the High Court to play the role of Magistrate and start doing the duties which the Magistrate has to do after filing of the report under Section 173 CrPC.

6. The appeal is dismissed with liberty reserved to the Appellant to approach the Magistrate concerned. Liberty is also given to the Appellant to bring to the notice of the Magistrate the reply filed by the State before this Court.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge