

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 709 of 2017**

Savita Jaiswal, W/o Rajnish Jaiswal, aged about 30 years, R/o village Nagpur, police station Podi, District Korea, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Police Station Baikunthpur, District-Korea, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Adil Minhaj, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.08.2017**

1. Heard.

2. This petition has been brought under Section 482 of the Code of Criminal Procedure with a prayer for issuance of directions to the respondent to investigate in Crime No. 154 of 2017 registered at Police Station Baikunthpur, District Korea, Chhattisgarh for additional offences under Sections 307, 325 and 329 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner vide Annexure-A/1 alleged that her husband and her in-laws were constantly harassing and torturing her for demand of dowry soon after marriage, in particular, she was administered with some kind of medicine which resulted in abortion of her first pregnancy. Subsequent to that, on 13.3.2017 again she became pregnant. On the instigation given by the parents of her

husband, she was assaulted and beaten by her husband in which she was kicked on her abdomen which resulted in abortion of her second pregnancy. After this incident, she made this complaint. On her complaint, police registered an offence under Sections 294, 506, 323, 313, 498-A read with 34 of the Indian Penal Code.

4. Learned counsel for the petitioner further submits that the contents of the written complaint made and the statements given to the Investigation Officer also disclose commission of offence under Sections 325, 307 and 329 of the IPC but as per the information received by the petitioner the Investigation Officer is not conducting any investigation to record the statement of the witnesses and for collecting medical and other evidence in this respect. Hence, it is prayed that a specific direction be issued to the respondent to this effect.

5. Learned State counsel has opposed the petition and submissions made on behalf of the petitioner. It is submitted that the investigation is still pending and the petitioner has an option to present herself before the Investigation Officer and can give additional statement with respect to the allegations made by them.

6. Perused the record.

7. Looking to the facts and circumstances of this case and that the petitioner herself is the main witness of the case, who has already given a written complaint and recorded her statement before the Investigation Officer, even then as per the allegations made, only for the purpose of

ascertainment that all the submissions of the petitioner are presented before the Investigation Officer, directions may be issued. It shall be the privilege of the Investigation Officer to come to a conclusion independently regarding the commission of alleged offences. Hence, this petition is disposed off at the motion stage with directions. It is directed that the Station House Officer of P.S. Baikunthpur shall investigate on the basis of the written complaint and the statement given by the petitioner if required additional statement of the petitioner may also be recorded with respect to the alleged commission of offence under Sections 307, 325 and 329 of the IPC and come to a conclusion regarding commission of such offences independently before submission of charge-sheet or final report as the case may be.

8. With the aforesaid directions, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge