

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1275 of 2016**

- Rajkumar Mishra, S/o Late Ganesh Prasad Mishra, Aged About 46 Years, R/o Haldivadi, Chirmiri, Thana- Chirmiri, Tahsil Khadgawan, District Korea, Chhattisgarh. **---- Petitioner**

Versus

- State Of Chhattisgarh Through Aarakshi Kendra, Chirmiri, District Koriya, Chhattisgarh. **---- Respondent**

For Petitioner	:	Petitioner in person
For Respondent State	:	Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****13/01/2017**

1. Heard on admission.
2. This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) against the order dated 11.03.2016 passed by the Judicial Magistrate First Class, Chirmiri, Dist. Korea, whereby the application filed by the petitioner under Section 91 of the Cr.P.C. has been rejected.
3. It is submitted by Shri Rajkumar Mishra that for proving his complaint petition, the entire documents pertaining to the enquiry conducted by the Chhattisgarh Public Commission (Lok Ayog) on the basis of the complaints lodged by some other persons, are necessary, and therefore, prayed for summoning of the relevant documents in this matter.
4. After considering the said application, it was observed by the trial Court in its impugned order that the documents as required by the complainant are with regard to the enquiry, which was conducted on the basis of complaints raised by some other persons, and therefore, those documents, are not relevant and the

complainant himself is required to establish his own case. In consequence, the application filed by the petitioner under Section 91 of the Cr.P.C. is rejected.

5. I have heard Shri Rajkumar Mishra and Shri V.B.Singh and perused the entire record carefully.

6. The petitioner – Shri Rajkumar Mishra, being an R.T.I. Activist, has submitted an application as per the provisions prescribed under Section 156(3) of the Cr.P.C. against the non-applicants praying for lodging the first information report against them with regard to the cognizable offence. The matter was listed for evidence before its registration and, in the meantime, he moved an application under Section 91 of the Cr.P.C. in which, it has been stated that some enquiry was conducted by the Lod Ayog against the non-applicants on the basis of the complaints lodged by some other persons wherein the non-applicants were held liable. It was, therefore, under such circumstances, prayed for requisitioning of the relevant papers pertaining to the said enquiry in this matter, so that, proper decision could be passed in his complaint petition.

7. From perusal of the record, it is apparent that the concerned papers, as sought to be summoned from the Lok Ayog, are with regard to the enquiry conducted on the basis of the complaints lodged by some other persons, and therefore, they are not the relevant papers. The trial Court has, thus, rightly come to the conclusion that those documents are not relevant and essential for just and proper adjudication of this matter, and therefore, the order as passed by the trial Court does not require to be interfered.

8.. In view of above, the petition being devoid of merit, is hereby dismissed.

Sd/-

(Sanjay Agrawal)
Judge