

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 88 of 2018

- Abhay Singh S/o Late Shri Premsingh, Aged About 36 Years Permanent R/o Shankargarh, P.S. Shankargarh, District Balrampur Present Address- Babupara Central Jail Colony, Ambikapur Surguja (Chhattisgarh) Through Wife Smt. Rajni Singh, Aged About 38 Years, R/o Babupara, Central Jail Colony, Ambikapur, Surguja (Chhattisgarh)

---- Appellant

Versus

1. The State of Chhattisgarh Through Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Rajdhani, P.S. New Rajdhani, District Raipur (Chhattisgarh)
2. The Director General of Police Chhattisgarh, Police Headquarter, Raipur, P.S. Civil Lines, Raipur, District Raipur (Chhattisgarh)
3. The Inspector General of Police Surguja Range, Ambikapur, District Surguja (Chhattisgarh)
4. The Superintendent of Police, Balrampur, S.P. Office, Balrampur, District Balrampur Ramanujganj (Chhattisgarh)
5. The Superintendent of Police, Surguja, Ambikapur, District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri S.C. Verma, Advocate.
For Respondents/State	:	Shri J.K. Gilda, Government Advocate alongwith Shri Prafull N. Bharat, Additional Advocate General.
For Intervener	:	Shri Aman Tamboli, Advocate appears on behalf of Shri R.S. Marhas, Advocate.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

13.03.2018

1. We have heard the learned counsel for the Appellant / Writ Petitioner and the learned Government Advocate quite in *extensio*.
2. The Petitioner invoked Article 226 of the Constitution of India and sought for a direction to the State to constitute a High Power Secret Investigation

Committee to enquire into the Petitioner's allegations. There was also a request that adequate and complete protection be provided to the Petitioner and his family. The sum and substance of the Petitioner's allegations include the plea that some of the Police Officers act in connivance with persons who are in conflict with law and are likely to commit crimes against the State.

3. During the course of the writ petition, the Petitioner was afforded an order for personal protection. Later, it appears that he was taken into custody on allegations of having committed certain offence. That is a different matter which does not require to be examined by us in this writ petition. If we were to do so, we would be negating the Petitioner of his valuable rights referable to other remedies available in criminal law jurisdiction.
4. A committee was constituted during the pendency of the writ petition and a report of the committee was placed in the sealed cover, before the learned Single Judge. Thus, an enquiry having led to a particular report was a matter which was brought to the notice of the learned Single Judge. Before hearing the writ petition, the learned Single Judge has also gone through that report which was provided in a sealed cover. This is reflected in paragraph 15 of the judgment of the learned Single Judge. Whatever be the conclusion that may or could have been drawn on the basis of the contents of that report; they are not matters for judicial determination, for the time being. Those are matters exclusively within the domain of the State administration, particularly when the matter relates to breach and intrusion into the security of the State and allied internal security matters. It is not for the judiciary to guide any such enquiry; at this stage, at any rate.
5. With the aforesaid, we also see that the learned Single Judge has noticed that the records included materials which would have formed basis of the report. That is the matter for consideration by the State's authority; and, not otherwise.

6. Insofar as, the personal reliefs sought for by the Petitioner are concerned, the fact of the matters remains that he is in the custody in connection with different criminal cases. We are told that WP(Cr) No.132 of 2016 filed by the Petitioner is still pending before this Court. Petitioner's remedies, as may be available in criminal jurisdiction, ought to be kept intact without being affected by the judgment of the learned Single Judge. Subject to this clarification, we do not find any ground to interfere with the dismissal of the writ petition.
7. In the result, this writ appeal is dismissed without prejudice to what is stated in the preceding paragraph, including the Petitioner's contentions in the writ petition referred to therein.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge