

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 313 of 2018

Ram Khilawan S/o Hem Singh Aged About 46 Years Caste- Gond, R/o- Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Applicant

Versus

The State Of Chhattisgarh Through- Station House Officer, Police Station Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2018

Heard.

1. This application under Section 438 Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.41 of 2018 registered in Police Station- Dipka, District- Korba for alleged commission of offence under Sections 420, 467, 468 & 471 IPC.
2. Case of the prosecution, in brief, is that the applicant obtained employment in the SECL by falsely claiming himself to be adopted son of late Hem Singh.
3. Learned counsel for the applicant would submit that the applicant was actually adopted by late Hem Singh and his wife Khakra Bai and on that basis, he was granted employment. Later on, one Mohan Singh, who is son of Dhan Singh, brother of Hem Singh, lodged false report against the applicant because the applicant refused to satisfy his illegal demand. He would further submit that the applicant has already filed a civil suit seeking a declaration of status that

he was duly adopted by Hem Singh and Khakra Bai as son, impleading other members of the family. He would submit that the police has made a false case against the applicant and recently Khakra Bai has executed fresh affidavit on 3.3.2018 in favour of the present applicant. Therefore, in these circumstances, the applicant may be protected.

4. On the other hand, learned counsel for the State opposing the application, submits that the matter is still under investigation. He would submit that during investigation, statement of Khakra Bai has been recorded by the police in which she has stated that the applicant is not her adopted son and he has falsely stated himself to be adopted son of Hem Singh, only to obtain employment.
5. In the present case, when the investigation is still going on, the police claims to have recorded statement of Khakra Bai that the applicant is not her adopted son. There is no document of adoption filed before the Court. There is no declaration of the Civil Court also.
6. The State is directed to ensure that statement under Section 164 Cr.P.C. of Khakra Bai is recorded before the Magistrate.
7. The application is disposed off at this stage with liberty to revive.

Sd/-
(Manindra Mohan Shrivastava)
Judge