

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1214 of 2017

Baldev Singh S/o Shri Taswir Singh, Aged About 39 Years R/o Ward No. 36 Khursipar, Bhilai, District Durg, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through District Magistrate, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For petitioner – Shri Y.C. Sharma, Advocate.
For State-Shri Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2018

Heard.

1. Instant petition is against the order dated 30/06/2017 passed in Criminal Revision No.190/2017 which was against the order of the JMFC dated 27/02/2017 whereby the JMFC has refused to accept the closure report of the police in criminal complaint about investigation.
2. Facts as would reveal that a report was made by the petitioner on 3/08/2015 at Police Station Dharsiva that his truck bearing number C.G. 07 AV 6196 has been stolen by the conductor Ravinder Singh alongwith loaded saria, therefore offence was registered bearing Crime No.243/2015 under Section 406 of IPC. Subsequently, according to the police said vehicle was searched but having found no trace a closure report was filed by the Police Station Dharsiva on 25/04/2016. The petitioner herein when filed for the copy of the said closure report to claim insurance of the vehicle same was not provided instead learned JMFC observed that since vehicle was not searched with the engine number and chesis number as such closure report was not accepted. Said order having been subject of

revision, the revisional court also affirmed the same, therefore this instant petition.

3. Learned counsel for the petitioner would submit that non-acceptance of the closure report by the JMFC on the ground that alleged vehicle has not been searched by engine number or chesis number is completely improbable and it is not possible to search the vehicle in such a manner. He therefore submits that report was made on 3/08/2015 and till date nothing has transpired, therefore closure report which is filed by the police should have been accepted which would entitle the petitioner to claim the insurance from the concerned insurance company.

4. Learned State counsel submits that as per the case diary and the investigation nothing could be traced out till date. Investigation again was started but eventually nothing came to fore as no trace of the vehicle was found, therefore it is impossible to trace the vehicle by engine number and chesis number. It is further contended that the police tried its level best to search for the vehicle but eventually it was all in vain.

5. Perused the order of the learned JMFC dated 27/02/2017 and perused the case diary. At the last of the case diary shows that on 20/02/2018 a different proclamation would show that efforts were made to search the accused Ravinder Singh but despite all efforts nothing could be traced. Case diary also shows that at different places search were made but trace of Ravinder Singh and vehicle could not be found. Under the circumstances, taking into fact that till report was made on 3/08/2015 entire investigation is clueless and truck bearing no. C.G. 07 AV 6196 alongwith conductor Ravinder Singh is not traced, in view of this, investigation cannot be continued for time immemorial. In the result, closure report which was filed by the police appears to be bonafide.

6. Accordingly, the petition stands allowed and order dated 27/02/2017 and the order dated 30/06/2017 passed by both the court

below are set aside. The closure report filed by the police is accepted. Accordingly, same be endorsed in the case diary and further proceeding be drawn in terms of that.

Sd/-

(Goutam Bhaduri)

JUDGE

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