

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1048 of 2018**

- Vivek Kumar Shukla S/o Pradeep Kumar Shukla Aged About 28 Years R/o Railway Crossing Bajrang Ward, Bhatapara, Police Station Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, District Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri N. Naha Roy, Advocate
For Respondents-State	:	Shri Ashish Shukla, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/06/2018**

1. Heard.
2. The present petition is against the order dated 11.04.2018, whereby an application under Section 91 of the Cr.P.C. has been dismissed. By such application, the petitioner sought for a communication in between the public prosecutor and the police.
3. It has been contended that initially the offence under Section 307 IPC was not registered subsequently after 12 days of the incident, the Section 307 IPC has been added, therefore, it would be relevant to place on record the communication in between the public prosecutor and the police.
4. The application prima facie appears to be completely misconceived. The communication in between a public prosecutor and the police in any case

will not decide the fact that under which Section the offence is committed as against this and in the alternate the facts and nature of injury will decide the nature of offence committed. Therefore, the communication as has been sought for under Section 91 of the Cr.P.C. cannot be entertained.

5. The petition has no merits. It is accordingly dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu