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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 560 of 2018**

Suresh Sahu, S/o Balmakund Sahu, Aged About 29 Years,
Residing At Village Paraskol, Tahsil Basna, District
Mahasamund, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Director General of Police, Police Head Quarter, Raipur, District Raipur, Chhattisgarh.
2. Inspector General of Police Raipur, District Raipur, Chhattisgarh.
3. Superintendent of Police Mahasamund, District Mahasamund, Chhattisgarh.
4. Police Station Officer Basna, Police Station Basna, District Mahasamund, Chhattisgarh.
5. Naresh Kumar Patel, S/o Jagsai Patel, Aged About 35 Years, R/o Village - Paraskol, Post - Baroli, Police Station & Tahsil Basna, District Mahasamund, Chhattisgarh.
6. Gopinath Patel, S/o Sahni Patel, Aged About 36 Years, R/o Village - Paraskol, Post - Baroli, Police Station & Tahsil Basna, District Mahasamund, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Vinay Pandey, Advocate.
For State/Respondents No. 1 to 4	: Shri Ravindra Agrawal, G. A.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****09.10.2018**

1. This petition has been filed under Article 226 of the Constitution of India for issuance of appropriate direction as according to the

petitioner, the respondent authorities are not proceeding with the matter in accordance with law.

2. According to Shri Vinay Pandey, learned counsel for the petitioner, the concerned Investigating Officer, while investigating the matter ought to have impleaded other accused persons also apart from Respondents No. 5 & 6 and ought to have registered the offence punishable under Section 307 of Indian Penal Code also. He submits further that the right eye of the petitioner has been damaged badly, however, without considering the same, the Investigating Officer has registered the offence only under Sections 325 & 506 read with Section 34 of IPC against the Respondents No. 5 & 6, and therefore, appropriate direction is required to be issued in the matter in order to provide substantial justice to the petitioner.

3. On the other hand, Shri Ravindra Agrawal, learned counsel for the State submits that the matter is still under investigation and an FIR has been registered under Section 325, 506 read with Section 34 of the Indian Penal Code after considering the materials available on record. He submits further while inviting attention of this Court to the provisions prescribed under Section 216 of Code of Criminal Procedure, 1973 (herein after referred to as 'the Cr.P.C.'), that the Court may, at any time before the pronouncement of the judgment, alter or add to any charge. Therefore, the petition as framed under such circumstances, is rather prematured and deserves to be dismissed.

4. I have heard learned counsel for the parties and perused the entire relevant papers annexed with this petition, carefully.

5. From perusal of the record, it is evident that in relation to the offence committed on 16.01.2018, an FIR was lodged by the petitioner

Suresh Sahu and that after considering the prima facie materials, the Investigating Officer has registered the offence against Respondents No. 5 & 6 under Section 325 & 506 read with Section 34 of Indian Penal Code. It reveals further that investigation in the matter is still going on and final report is yet to be filed. In view of the said fact, the contention advanced by Shri Pandey is difficult to be accepted at this stage, particularly when his grievance, as alleged, could be considered during trial by the trial Court under Section 216 of Cr.P.C.

7. As such, I do not find any legal ground, so as to interfere with the FIR registered on the basis of report lodged by the petitioner on 06.04.2018 in relation to the offence committed on 16.01.2018.

8. Consequently, the petition deserves to be and is hereby dismissed.

Sd/-
(Sanjay Agrawal)
Judge