

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 468 of 2017**

1. Golu Shrivastava S/o Shri Deepak Shrivastava, Aged About 27 Years R/o Near Darji Mandir, Gondpara, Police Station City Kotwali Bilaspur, District Bilaspur, Chhattisgarh
2. Deepak Netam S/o Shri Parau Netam, Aged About 23 Years R/o Near Khamtarai Water Tank, Police Station Sarkanda Bilaspur, District Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh

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1. Jitendra Gadhewal S/o Shri Sukul Gadhewal, Aged About 36 Years R/o Lingyadih, Durga Nagar, Police Station Sarkanda Bilaspur, District Bilaspur, Chhattisgarh
2. Rajesh Kumar Khairwar S/o Shri Baban Ram Khairwar, Aged About 30 Years R/o City Park, Mopka, Police Station Sarkanda Bilaspur, District Bilaspur, Chhattisgarh
3. State of Chhattisgarh, Through Secretary, Department of Home, Mahanadi Bhawan, Capital Complex, P.S. Rakhi, New Raipur, District Raipur, Chhattisgarh
4. Superintendent of Police, Office of Superintendent of Police, Bilaspur, Police Head Office, Tilak Nagar, Bilaspur, Chhattisgarh
5. R.P. Tiwari, Sub Inspector, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh
6. Anil Tiwari, Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh
7. Inspector General of Police, Bilaspur Range, Bilaspur, Chhattisgarh

---- Respondents

For Appellants	: Shri Sameer Oraon, Advocate.
For Respondents No.1 & 2	: Shri Rahul Tamaskar, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.
For Respondent No.5	: Ms. Shailja Shukla, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Pritinker Diwaker, Judge

Order on Board**13/07/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. A criminal writ application was filed by the private Respondents who were Petitioners making an allegation that on the First Information Report, which was

lodged by Respondent No.2, there were certain manipulations which were done by the Investigating Officer. This emerged when he found variations in the charge-sheet which was subsequently filed and the statement which was recorded under Section 161 of the Code of Criminal Procedure, 1973. Deliberately certain statements made therein were sought to be omitted to influence the line of investigation and trial.

3. The learned Single Judge in the criminal writ application taking note of the background and the materials which *prima facie* indicated such kind of effort on the part of the Investigating Officer, directed the Court below to hold an inquiry in the complaint and on the materials and evidence which may turn up, take action in accordance with law.

4. Counsel for the Appellant submits that such orders or directions can only be given by the trial Court and the High Court has no jurisdiction to pass such a direction.

5. With due respect to the counsel for the Appellant *prima facie* evidence and materials have come that a fair investigation was not being conducted and the Police in connivance with the accused is trying to help them by manipulating things. The power under Article 226 of the Constitution of India is wide enough to give such direction to the Courts.

6. It is however clarified that the direction to the trial Court is to proceed in accordance with law and that direction by itself cannot be said to be illegal.

7. This appeal which any way is not maintainable also has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Pritinker Diwaker)
JUDGE