

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Reserved for Order on : 04.07.2019

Order Passed on : 29.07.2019

W.P.(CR.) No. 164 of 2015

Ramesh Kumar Nayak, S/o. Late Shri Brindavan Nayak, Aged About 35 Years, R/o. Village Thuthi, Post Thathari, Police Station and Tahsil Jaijaipur, Civil and Revenue District Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : The Secretary, Home Department, Government of Chhattisgarh, Naya Raipur, Civil and Revenue District Raipur, Chhattisgarh.
2. Superintendent of Police, Janjgir, Civil and Revenue District Janjgir Champa, Chhattisgarh.
3. Officer-In-Charge, Police Station Jaijaipur, Civil and Revenue District Janjgir Champa, Chhattisgarh.
4. Shri C.S. Netam (Investigation Officer), Assistant Sub Inspector, Police Station Jaijaipur, District -Janjgir Champa. Presently Posted at Police Station Baloda, Civil and Revenue District Janjgir Champa, Chhattisgarh.
5. Hemant Chandra, S/o. Late Shri Dayaram Chandra, Aged About 54 Years,
6. Onkar Prasad Chandra, S/o. Late Shri Dayaram Chandra, Aged About 61 Years,
7. Ravindra Kishore Chandra, S/o. Shri Onkar Prasad Chandra, Aged About 41 Years,
8. Madan Chandra, S/o. Late Shri Narmada Prasad Chandra, Aged About 38 Years

9. Babulal Chandra, S/o. Late Shri Ramsingh Chandra, Aged About 48 Years,
10. Gangadhar @ Jogi Chandra, S/o. Late Shri Ramgopal Chandra, Aged About 62 Years

No. 5 to 10 are all R/o Village Thuthi, Post Thathari, Police Station and Tahsil Jaijaipur, Civil and Revenue District Janjgir Champa, Chhattisgarh.

-----Respondents

Petitioner : Mr. Ramesh Kumar Nayak, petitioner in person
For Respondents/State : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

C A V ORDER

29/07/2019

1. Heard on admission.
2. It is submitted by the counsel for the petitioner, the petitioner received threatening call on 15.10.2011 from the mobile No.98271-97937, regarding which complaint was filed in Police Station Civil Lines, Bilaspur on which no action was taken. On the evening of 21.10.2011, the petitioner was informed by Ramlal Yadav and Shiv Chandra of village Thuthi that respondent No.5 to 10 had organized a meeting, in which abusive language and threats were used for the petitioner and also a conspiracy was hatched to murder the petitioner. The petitioner filed a written complaint to the Police Station – Civil lines, Bilaspur and similarly a written complaint was given by Shiv Chandra in Police Station –

Jaijaipur. Thereafter on the application filed by the petitioner under Section 156 (3) of Cr.P.C., before the Judicial Magistrate First Class, Jaijaipur and by the order passed by that Court, Crime No.245/2013 has been registered against the respondents No.5 to 10 for offence under Section 294, 506, 452, 153A, 120-B and 147 of the Indian Penal Code. The grievance of the petitioner is this that respondent No.4 being the SHO of Police Station – Jaijaipur has not investigated the case and has deliberately given up the examination of the relevant witnesses and thereby has helped the respondents No. 5 to 10, therefore, reinvestigation be directed in this case.

3. State Counsel on behalf of the respondents No.1 to 3 has submitted that investigation has been completed and charge-sheet has been filed in the year 2014. The petitioner has all the opportunity to raise his contention before the trial Court and make prayer for presenting additional witnesses, therefore, having such opportunity, there is no reason to entertain this petition.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. After considering on the entire submissions made by both the sides present before this Court, it appears that the petitioner has made a grievance regarding the investigation of the case, but nothing has been suggested as to who were the witnesses who were left out by the investigator. The allegation that the

Investigation Officer has without summoning the witnesses recorded the statement and he has recorded statement not in accordance with what they stated, is an allegation, which needs to be inquired on departmental side. The petitioner is at liberty to file a complaint on departmental side against the Investigation Officer, if there is substance in his grievance. Apart from that even if he feels that there is something lacking in the investigation, he can make prayer to the Court under Section 311 of Cr.P.C. for presenting additional witnesses and material. Therefore, I do not find any substance in this petition, which is dismissed accordingly. However, the petitioner is given liberty to file application before the Court concerned under Section 311 of Cr.P.C. if it is necessary for the case.

6. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge