

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 98 of 2019

Ganga Singh Chauhan S/o Late Ghanuha Singh Chauhan Aged About 70 Years Retired Sanstha Prabandhak (Approx) Residence Gram Tulsasghat Lormi, Post Office & P. S. Lormi, Tahsil Ranigaon Lormi, District Mungeli, Chhattisgarh.
--- Petitioner

Versus

1. The State of Chhattisgarh through Police Station Lalpur, District Mungeli, Chhattisgarh.
2. Chief Executive Officer Jila Sahkari Kendriy Bank Maryadit Bilaspur, District : Bilaspur, Chhattisgarh
--- Respondent

For Petitioners : Mr. K. R. Loniya, Advocate
For State-Respondents : Mr. Ravi Bhagat, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.03.2019

1. In this writ petition filed under Article 226/227 of the Constitution of India, the petitioner sought damages of Rs.35 lakhs against the State-Respondent.
2. It is contended that the petitioner was working as Branch Manager of Cooperative Society, Manoharpur and a criminal case was registered against him others that he along-with other sales-men of the Society has misappropriated an amount of Rs.5,84,590/-. Learned counsel for the petitioner submits that the criminal case No.5/2009 registered against the petitioner and other accused was eventually dismissed by order dated 25.09.2018 passed by JMFC, Lormi and the order itself would show that th petitioner has been exonerated of

the charges which goes to prove the fact that the petitioner was from the day one was fair in his work and has not misappropriated the amount.

3. Perused the order dated 25.09.2018. After perusal of the order it appears that in order to appreciate the contention of the petitioner it will require the evidence which this Court in exercise of power under Article 226/227 shall refrain to do so. The nature of claim and the pleading necessarily involve the appreciation of evidence. Under the circumstances the petitioner if so required may take recourse to appropriate remedy before the Civil Court as available to him under the law.
4. With the above observation, this petition is disposed of.

Sd/-
(GOUTAM BHADURI)
JUDGE