

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 197 of 2019

- Hemlal Banjara, S/o Shri Chedilal Nayak, Aged About 39 Years, Cast Banjara, R/o Village-Bhalupatera, Post-Rasoda Police-Station-Basna, Tahsil Basna, District-Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through its Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, District-Raipur, Chhattisgarh.
2. Superintendent of Police Balodabazar, Bhatapara, District-Balodabazar-Bhatapara, Chhattisgarh.
3. Station House Officer Police Station Basna, District-Mahasamund Chhattisgarh.
4. Mukesh Sahu S/o Kailash Chand Sahu Aged About 35 Years Occupation Traders, R/o Village Bansula, Police-Station-Basna, District-Mahasamund Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Sanjay Agrawal, Advocate.
For Respondent/State	:	Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/07/2019

Heard.

1. This petition has been brought praying for issuance of appropriate writ.
2. It is submitted by the counsel for petitioner that the application filed by him under Section 156(3) of CrPC has been rejected by the Court below vide order dated 3.10.2018 (Annexure-P/1). The said application has

been wrongly rejected by the Court below. Looking to the allegations made in the complaint and application under Section 156(3), it was a case where investigation was necessary. Therefore, it is prayed that petition be admitted for final hearing.

3. Learned counsel for respondents No.1 to 3 submits that this petition under Article 226 of Constitution of India is not maintainable as alternative efficacious remedy of filing revision before the Court having jurisdiction is available to the petitioner.
4. Considered on the submissions made and perused the documents attached with the petition. The petitioner has remedy available under Section 397 of CrPC to challenge the order passed by the Court below rejecting application filed under Section 156(3) of CrPC. Further, the fact is also this that although the application under Section 156(3) has been rejected by the Court below but the complaint is still pending for inquiry, therefore, it is very clear that there is statutory remedy available to the petitioner despite that he has filed this petition which cannot be entertained.
5. Accordingly, the petition is dismissed as not maintainable at the motion stage itself.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE