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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 274 of 2019

Budhlal Sahu, S/o. Late Shri Marulal Sahu, Aged About 61 Years, R/o. C/o Shri Omprakash Sahu, Q. No. 55/2, New Railway Colony, Bijuri, Tahsil – Katma, District Anuppur Madhya Pradesh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Secretary, Department of Home Affairs, Mahanadi Bhawan, Post Office Mantralaya, Police Station Rakhi, Atal Nagar, District Raipur Chhattisgarh.
2. The Director General of Police, Police Head Quarter, Raipur Chhattisgarh.
3. The Superintendent of Police, Collectorate Building Raipur District Raipur Chhattisgarh.
4. The Station House Officer, Police Station : Gudiyari, District Raipur Chhattisgarh.
5. Smt. Arti @ Pinki Sahu, W/o. Late Shri Induprakash Sahu, Aged About 29 Years, R/o. C/o Mastram Sahu, Near Baghel Health Care, Lodhipara, Gudiyari Raipur Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Vipin Tiwari, Advocate
For Respondent/State	: Mr. Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2019

1. The instant petition under Article 226 of Constitution of India has been filed for issuance of appropriate direction for lodging of FIR against the accused persons.
2. It is submitted by the learned counsel for the petitioner that this petitioner has apprehension that his son Indu Prakash Sahu has not committed suicide and in fact he was murdered. The petitioner had talked to his grand son Akshat Sahu on the day after incident, then Akshat Sahu narrated that two persons came into the house and they

forcefully hanged the deceased because of which, the deceased died. The petitioner has recorded the statement of his grand son in mobile and the memory chip of the same has been submitted before this Court. The Police has not done any investigation and enquiry in this respect that it may be case of murder, therefore, it is prayed that specific direction may be issued.

3. Learned counsel for the State/respondents submits that according to the morgue diary i.e. available, none of the witness examined in the inquest made a statement that it may be a case of murder and the grandson of the petitioner has not been examined by the police, however, this Court may direct for making specific inquiry.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. After considering the submissions made by the counsel for both the parties and also considering the documents filed along with the petition and the fact that there is memory chip with recording present, therefore, the police needs to make an enquiry in this aspect also taking into consideration the apprehension of the petitioner. Hence, this petition is disposed off with following direction :-

1. The respondent No.3 is specifically directed to make specific enquiry on the allegation made by the petitioner in the inquest procedure i.e. still continuing, in a fair manner by deputing any senior police officer other than the S.H.O. of Police Station Gudiyari, District – Raipur.

Sd/-
(Rajendra Chandra Singh Samant)
Judge