

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 349 of 2019**

Shivkumar Tiwari @ Gudda, son of late Tulsiram Tiwari, aged about 50 years, resident of Kurmipara, Bemetara, Police Station- Bemetara, District – Bemetara (C.G.)

----Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Home (Police) Department, Atal Nagar, Mantralaya, New Raipur (C.G.)
2. The Director General of Police, Police Headquarter, Raipur, District Raipur (C.G.)
3. The Sub-Divisional Magistrate, Bemetara, District – Bemetara (C.G.)
4. The Station House Officer, Police Station, City Kotwali, Bemetara, District Bemetara (C.G.)

---- Respondents

For Petitioner	: Ms. Sharmila Singhai, Advocate.
For Respondents/State	: Mr. Chandresh Shrivastava, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/06/2019

Heard on admission.

(1) The petitioner is aggrieved against the impugned Istagasa dated 22.03.2019 produced by respondent No. 4 before the Sub Divisional Magistrate, Bemetara, District Bemetara in which he has been quoted as person under surveillance.

(2) Learned counsel appearing for the petitioner would submit that such a 'word' cannot be used for the petitioner, which is absolutely illegal and bad in law.

(3) Per contra, counsel for the State would submit that such an objection can be taken before the Sub Divisional Magistrate, Bemetara.

(4) I have heard learned counsel appearing for the parties.

(5) Admittedly, the Istgasa is pending consideration before the Sub Divisional Magistrate, Bemetara, District Bemetara, therefore, the petitioner is at liberty to make an objection before the SDM, Bemetara stating that such an Istgasa is not valid in law as he is not the person required surveillance, and in that event, the SDM, Bemera shall consider and decide the same strictly in accordance with law expeditiously.

(6) With the aforesaid objection, the writ petition (Cr.) stands finally disposed of.

(7) It is made clear that nothing in this order shall be construed as an expression of an opinion on merits of the case and the S.D.M. Bemetara is to decide the said objection on its own merits in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

