

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 421 of 2019

- Than Singh Bharti S/o Late Bhikham Singh Bharti Aged About 76 Years
R/o li - Vip Nagar, Risali, Bhilai, District Durg Chhattisgarh., District :
Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department,
Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur
Chhattisgarh.
2. Inspector General Of Police Durg Range, Durg, District Durg
Chhattisgarh.
3. Superintendent Of Police Kabirdham, District Kawardha Chhattisgarh.
4. Station House Officer Police Station Kabirdham, District-Kawardha
Chhattisgarh.
5. Bhekh Ram Patel, S/o Shri Uday Ram Patel, Aged About 52 Years
Occupation Service, Sub Engineer, Pwd Kawardha, R/o Village Rohra,
Post Pandariya, District-Kabirdham, Chhattisgarh.
6. Visheshar Patel, S/o Shri Uday Ram Patel Aged About 59 Years R/o
Village Rohra, Post Pandariya, Distict-Kabirdham, Chhattisgarh.

---- Respondent

For petitioner	:	Mr. Uttam Pandey, Advocate.
For Respondent/State	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/08/2019

Heard.

1. The petition has been brought under Article 226 of the constitution of
India praying for issuance of a writ of mandamus directing the police
authority concerned to submit charge sheet by impleading the third

accused, as mentioned in the FIR, after registering proper offences, in the ends of justice.

2. It is submitted that in the FIR lodged by complainant Dr. Suryakant Bharti, there is clear mention of a third person who was wearing a *gamchha* on his neck and had participated in the assaults made on the victim. However, despite providing CCTV footage to the police, which is the electronic record of incident, the police have not made any effort to find out that third person so far. Therefore, a specific direction be given to the police to make investigation and find-out said person and also to file charge-sheet as early as possible.
3. Learned State counsel opposes the submissions so made and submits that the eyewitnesses, who have been examined, though have not mentioned about any third person but there is statement of the complainant in this regard. Hence, the police are still making their best efforts to find out that person said to have been involved in the incident and for that purpose some time may be granted.
4. After hearing the submissions of both the sides and perusing all the documents filed along with this petition, the same is disposed off with following directions:-

(1).The respondents No.3 & 4 shall make all efforts to find out third person mentioned in the FIR, who can be identified by the complainant if arrested and presented before him for identification.

(2). The investigation be concluded as early as possible preferably within a period of two months from today and final report be filed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge