

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 462 of 2019

1. Ganesh Verma S/o Late Shri Shiv Kumar Verma Aged About 39 Years R/o Anand Vatika, Samriddhivihar, Village Fari, District Bemetara Chhattisgarh.
2. Awadesh Patel S/o Late Shri Shiv Kumar Aged About 37 Years R/o Anand Vatika, Samriddhivihar, Village, Fari, District Bemetara Chhattisgarh.
3. Tukeshwar Verma S/o Shri Baldau Singh Verma Aged About 38 Years R/o Village - Khamhariya, District Bemetara Chhattisgarh.
4. Wasim Khan S/o Shri Shakil Khan Aged About 32 Years R/o Samriddhivihar, Village, Fari, District Bemetara Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home, Mantralya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Superintendent Of Police District Bemetara Chhattisgarh.
3. Station House Officer, Police Station City Kotwali, Bemetara District Bemetara Chhattisgarh.

---- Respondents

For the Petitioners	:	Shri Vinay Pandey, Advocate.
For the State	:	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2019

1. This writ petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ.
2. It is submitted by the learned counsel for the petitioners that the petitioners are under apprehension that they have been accused in Crime No.145 of 2019 registered in police station City Kotwali, Bemetara, District Bemetara. The applicants filed an application for supply of copy of FIR, to the Superintendent of Police vide Annexure-P/1 but the supply of copy has been denied to them. Relying on the judgment of the Supreme Court in the case of **Youth Bar Association of India vs. Union of India** reported in **(2016) 9 SCC**

473 and in the judgment of this Court in the case of **Titash Banik vs. State of Chhattisgarh** reported in **2017(2) C.G.L.J. 290**, it is prayed that the directions be issued.

3. Learned counsel for the State opposes the submissions and the grounds raised in the petition.

4. Heard learned counsel for the parties and perused the documents.

5. Considered the submissions made by counsel for both the parties. In the case of **Youth Bar Association of India vs. Union of India** (supra), the Supreme Court observed in paragraph 11.2 is as under:

“11.2. An accused who has reasons to suspect that he has been roped in a criminal case and his name may be finding place in a First Information Report can submit an application through his representative/agent/parokar for grant of a certified copy before the police officer concerned or to the Superintendent of Police on payment of such fee which is payable for obtaining such a copy from the Court. On such application being made, the copy shall be supplied within twenty-four hours.”

6. Relying on the judgment of the Supreme Court in the case of **Youth Bar Association of India vs. Union of India** this Court has passed an order in the case of **Titash Banik vs. State of Chhattisgarh** (supra) issuing a direction for grant of certified copy to the petitioners' concern.

7. It is a similar case where the petitioners are having apprehension that they have been implicated in the FIR lodged by complainant – Devilal Patel and Others therefore, in case they are accused in that complaint they have an entitlement in accordance with the view expressed by Hon'ble Supreme Court and confirmed by this Court. Hence, this petition is allowed at the motion stage

and it is directed that in case, the petitioners are accused in Crime No. 145 of 2019 registered in police station city Kotwali, Bemetara, respondents No.1 to 3 shall supply a copy of the same be supplied to them in accordance with the law on the application filed by the petitioners earlier within a period of 15 days.

8. Accordingly, the petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi