

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 529 of 2019

- G. Suresh Kumar S/o Shri Sitayya, Aged About 37 Years, R/o Torwa, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Secretary, Home Ministry, Mahanadi Bhavan, Mantralaya, Naya Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Superintendent of Police (S.P.), Central Bureau of Investigation, ACB, VIP Road, Near PTS Chowk, Post Mana, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner – Shri J.K. Gupta, Advocate.

For State/Respondent No.1 – Shri Neeraj Pradhan, Panel Lawyer.

For Respondent No.2 – Shri B.Gopa Kumar, A.S.G.

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

16-09-2019

Heard.

1. Instant petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ(s)/direction(s)/order(s) etc.
2. It is submitted that the petitioner had made a complaint to respondent No.2 making allegation against Mr. Ravi Kumar, Chief Loco Inspector, SECR, NGP, Mr. V.V. Subba Rao, Sr. D.E.E.(OP), SECR, Bilaspur C.G. that they had taken bribe for getting him appointed as Loco Inspector. Respondent No.2 has not taken any action. Subsequent to which the petitioner has also made a complaint to the then Chief Justice of this High Court, copy of which is filed vide Annexure-P/2 on which basis a memo was issued to the respondent No.2 and others by the High Court vide Annexure-P/3 for taking necessary action. The petitioner then again made reminder vide Annexure-P/4 praying to let him know the status of the complaint filed by him. Annexure-P/5 has been filed which is a verification report of respondent No.2 in which it is mentioned that the respondent No.2 is unable to take up any enquiry for the reason that the State

of Chhattisgarh has withdrawn the consent under Section 6 of the Delhi Special Police Establishment Act. Subsequent to which, the persons against whom the petitioner had complained they have initiated departmental proceeding against the petitioner. Therefore, the complaint of the petitioner against the persons concerned is still pending and no action is being taken because of the indetermination of the respondents. Therefore, it is prayed that direction may be issued.

3. Learned counsel for respondent No.1/State submits that the State has withdrawn the consent under Section 6 of the Delhi Special Establishment Act and it is a general withdrawal order. Further, the counsel appearing for respondent No.1 has not taken any stand as to what kind of action can be taken on the complaint given by the petitioner.

4. Learned A.S.G. appearing for respondent No.2 submits that respondent No.2 has no objection if the Court directs to enquire and investigate the case.

4. Heard learned counsel for both the sides and perused all the documents filed along with the petition. As it is found from the perusal of the documents filed along with the petition that the complaint made by the petitioner has been verified by respondent No.2 and substance has been found for proceeding on the basis of complaint made, therefore, I feel inclined to dispose off this petition at motion stage with direction.

5. Accordingly, the petition is disposed off with direction and respondent No.2 is directed to make enquiry into the complaint made by the petitioner and if substance is found regarding commission of cognizable offence, then the FIR may be lodged accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge