

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 450 of 2018**

Rajkumar Mishra S/o S/o Late Ganesh Prasad Mishra Aged About 46 Years R/o Haldibadi Chirmiri Thana Chirmiri, Tahsil Khadgawa, District Koriya, Chhattisgarh. E-Mail- Rtichrm@Gmail.Com, W.App 9406363699,
-- Petitioner

Versus

1. State of Chhattisgarh through Superintendent of Police Baikunthpur, District Koriya, Chhattisgarh. District : Koriya (Baikunthpur), Chhattisgarh
2. Police Inspector General Surguja Range, Ambikapur, Chhattisgarh., District : Surguja (Ambikapur).
3. Shri R. P. Sahu Sub Inspector, Sub Inspector Through Superintendent of Police Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh
4. Devi Anjana Kerketta Inspector, Through Superintendent of Police Raigarh District Raigarh, Chhattisgarh. **--- Respondent**

For the petitioner	:	Raj Kumar Mishra in person.
For the State	:	Mr. Ghan Shyam Patel, Govt. Adv.
For Respondent No.2	:	Mr. Vineet Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.01.2019**

1. By this writ petition filed under Article 226 of the Constitution of the petitioner seeks a direction to Superintendent of Police (respondent No.1) to take action as per the direction of Inspector General of Police (respondent no.2).
2. The facts as stated are that on a report made by the petitioner, a crime was registered bearing No.29/2017 u/s 419, 420, 467, 468, 471 of IPC on 10.02.2017 against one Sanjay Agrawal. It is contended that after the report was

made, the said accused was absconding. In the meanwhile, another case was registered against the said accused in another police station at Baikunthpur bearing Crime No.96/2017 for the offence u/s 341, 147, 294, 506, 353, 332 & 323 of IPC wherein he was arrested on 23.04.2017. Thereafter when the bail was preferred, an objection was made by the police against the grant of bail. However, it was not disclosed that the said accused was wanted in another case registered in Police Station Charcha vide Crime No.29/2017. The trial Court has granted the bail in Crime No.96/2017 and subsequently since the arrest was not done, the said accused was enlarged on bail in Crime No.29/2017 which was registered at Charcha. It is contended that since the police did not arrest the said Sanjay Agrawal as such a report was made to the Inspector General of Police and the Inspector General has directed for enquiry as to how it happened. Therefore, the request has been made as per the direction of I.G. Police the superintendent of Police may conduct the enquiry as to why the said Sanjay Agrawal was not arrested despite a case was registered against him.

3. Learned State Counsel would submit that it is on the instructions of the Inspector General pursuant to the report made to him, the Police Superintendent of Police has conducted the enquiry. The reference was made to the letter dated 06.06.2017 (Annexure P-4) wherein I.G., had forwarded the application of the petitioner and directed for enquiry. The document would reveal that Superintendent of Police subsequently conducted enquiry and by letter dated 04.09.2017 the Superintendent of Police had found that in

Crime No.29/2017 registered at P.S. Charcha u/ss 419, 420, 467, 468, 471 of IPC, the original documents were not available and there was no material available to arrest the said person namely Sanjay Agrawal, therefore, the arrest was not done. As such it appears that the compliance of the order of the I.G., by the Superintendent of Police was made and this Court at this stage will not usurp the administrative power of the functionaries or their power to investigate an offence and give a finding as to whether sufficient material was available on that date to arrest the said Sanjay Agrawal was not ? It is for the Police to conduct an enquiry of a particular offence. If the petitioner is still aggrieved, he may avail appropriate remedy available to him under the law.

4. With such observation, this petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**