

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 561 of 2019

Heena Ajmera, D/o. Ajay Kumar Jain, Aged About 30 Years, R/o. MIG- C/498,
Padmnabhpur, District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : Secretary, Home Department,
Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, Chhattisgarh.
2. Superintendent of Police, Durg, District Durg, Chhattisgarh.
3. Station House Officer, Thana -Durg, District Durg, Chhattisgarh.

-----Respondents

For Petitioner	: Mr. B.P. Singh, Advocate
For Respondents/State	: Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/07/2019

Heard.

1. The instant petition under Article 226 of the Constitution of India has been filed for issuance of appropriate direction.
2. It is submitted by the counsel for the petitioner that the petitioner has lodged FIR against one Rahul Chauhan on the basis of which investigation was made and charge-sheet has been filed for trial of the accused persons for the offence under Section 376 and 420 of the Indian Penal Code. It is alleged that the petitioner was in possession of material to establish the commission of offence under Section 420 of Indian penal Code, but the same has not been seized from her possession, which shows that respondents are acting in connivance with the accused to help him out in the Court, therefore, appropriate direction may be issued by this Court to the respondents to conduct

additional investigation as provided under Section 173(8) of Cr.P.C. and collect the documents from the possession of the petitioner which she is keen and interested to prove before the Court.

3. State counsel opposes the petition and the grounds made in this respect.
4. I have heard the learned counsel for both the parties and perused the documents placed on record.
5. After considering on the submissions made by counsel for both the sides and perusal of the documents filed along with the petition, I am of this view that allegation of cheating against the accused person has already been made by the petitioner, which has been investigated and charge-sheet has been filed, but for the reason that the petitioner wants to submit additional evidence, which she is having in possession, therefore, the petition can be disposed off with appropriate direction.
6. Accordingly, the petition is disposed off and the respondents are directed to make additional investigation in the case concerned as it is provided under Section 173 (8) of Cr.P.C. by collecting additional evidence i.e. present in possession of the petitioner and file a supplementary charge-sheet in the case concerned.

Sd/-
(Rajendra Chandra Singh Samant)
Judge