

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 566 of 2019

1. Smt. Satyawati Sahu, W/o. Ranchand Sahu, Aged About 40 Years, R/o. Village Jarhagaon, Police Station -Jarhagaon, District Mungeli Chhattisgarh.
2. Narmada Singh Rajput, S/o. Ghanshyam Singh Rajput, Aged About 36 Years, R/o. Kodwabani, Police Station -Lalpur, District Mungeli Chhattisgarh.
3. Ramchandra Sahu, S/o. Derha Ram Sahu, Aged About 42 Years, R/o. Village Jarhagaon, Police Station Jarhagaon, District Mungeli Chhattisgarh.
4. Dheer Singh Banjare, S/o. Kunjram Banjare, Aged About 47 Years, R/o. Village Jarhagaon, Police Station Jarhagaon, District Mungeli Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Secretary Home Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Inspector General of Police, Bilaspur, District Bilaspur Chhattisgarh.
3. Superintendent Of Police, Mungeli, District Mungeli Chhattisgarh.
4. Sub Divisional Officer, Tahsil Office -Mungeli, District Mungeli Chhattisgarh.
5. The Station House Officer, Police Station -Jarhagaon, District Mungeli Chhattisgarh.
6. C.E.O. Janpad Mungeli, District Mungeli Chhattisgarh.

-----Respondents

For Petitioners	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/07/2019

Heard.

1. Counsel for the petitioners submits that the petitioners have grievance that the petitioners were exonerated in the enquiry made by the Sub-Divisional Officer (Revenue), Mungeli by order dated 31.03.2018, but

the same has not been taken into consideration by the Investigation Officer and the charge-sheet has been filed against them, which is totally baseless and without any substance. Therefore, the petition be admitted for hearing.

2. State counsel opposes the submissions so made and submits that charge-sheet has already been filed and the petitioners are facing trial. The documents of their reliance may be filed before the trial Court or petitioners may file an application under Section 91 of Cr.P.C. for production of report of the Sub-Divisional Officer (Revenue), Mungeli for the purpose of their defence.
3. I have heard the learned counsel for both the parties and perused the documents placed on record.
4. After considering on the submissions made by counsel for both the sides, I am of this view that this Court would not interfere in the trial proceedings against the petitioners, however, the petitioners have liberty to dispute and contest the case against them on the basis of the report of the Sub-Divisional Officer (Revenue) Mungeli. Therefore, the petition is disposed off with direction that the petitioners shall have liberty to file an application under Section 91 of Cr.P.C. before the trial Court for calling of the report of Sub-Divisional Officer (Revenue), Mungeli in support of their defence.
5. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge