

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 577 of 2019

- Vipin Punjabi (Petitioner in Person), S/o Late G.D. Punjabi, Aged About 58 Years, Occupation-Advocacy, R/o Present Address 15, Panchali Vihar Colony Behind Shani Dev Mandir, Rajkishore Nagar, Bilaspur Tahsil & District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh.
2. Superintendent Of Police District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Petitioner in person.
For State/respondent	:	Shri Subhash Yadav, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/08/2019

Heard.

1. This petition under Article 226 of Constitution of India has been filed for issuance of direction against the respondent authorities to supply certified copy of FIR No.02/2019 registered at police-station AJAK, Bilaspur.
2. The petitioner appearing in person submitted that he is a practicing advocate. He filed an application before the Superintendent of Police, Bilaspur for supply of a copy of FIR lodged against his client Bharat Bajaj in Police Station-AJAK, Bilaspur under Crime No.02/2019 for the offence under Section 376 of IPC & Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Superintendent of Police refused to grant copy of FIR on the ground that it is a confidential matter. Referring to the judgment of Supreme Court in Youth Bar Assn of India vs Union of India reported in (2016) 9 SCC 473, it is submitted that there is clear direction of the Supreme Court that if any suspect of his being accused in any FIR lodged, he can himself or through his agent or parokar file an application for grant of certified copy of FIR before the officer or the Superintendent of Police concerned. Therefore, it is submitted

that despite this entitlement of the client of this petitioner, he has been denied the information, hence, it is prayed that petition be disposed off with a direction to the respondent authorities to supply the certified copy of FIR to the petitioner.

3. Learned for respondents opposes the grounds raised in the petition and the submissions made in this respect. It is submitted that the petitioner has option to file application under the Right to Information Act, 2005 and obtain certified copy. Therefore, this petition is without any substance and the same is liable to be dismissed.
4. I have heard both the parties and perused the documents on record.
5. After considering on the submissions made by the petitioner appearing in person and the State Counsel. In the judgment of Youth Bar Association of India vs Union of India's case (supra) the Supreme Court has observed as under:-

“An accused who has reasons to suspect that he has 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 within twenty-four hours.”
6. There is express direction of the Supreme Court that a person, who has apprehension of having been accused of any offence in any FIR lodged, is entitled to apply for certified copy of the same either himself or through his agent or counsel. In such a situation, the respondents were not correct on their part in refusing the petitioner to supply the information as sought for.
7. Accordingly, the petition is disposed off with a direction to the respondent No.2 that in case the client of petitioner is an accused in the FIR, as it is mentioned in the application filed by him, lodged under Crime No.02/2019 for offence under Section 376 of IPC & Section 3(2)(5) of SC & ST(Prevention of Atrocities) Act, 1989, then a copy of the same be supplied to the petitioner, on the basis of the application filed by him, in accordance with law.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE