

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 745 of 2019

Praveen Kumar Katela, S/o. Shri B.K. Katela, Aged About 46 Years, R/o. Civil Lines, Katela Bhawan, Raipur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Secretary, Ministry Home (Police) Department, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh.
2. Director General of Police, Chhattisgarh Police Headquarters, Raipur Chhattisgarh.
3. Superintendent of Police, Raipur, District Raipur Chhattisgarh.
4. Station House Officer, Police Station Civil Lines, Raipur Chhattisgarh.
5. Smt. Kamla Devi Jain, W/o .Parasmal Jain, Aged About 59 Years, R/o. Shankar Nagar, Near Water Tank, Raipur Chhattisgarh.
6. Smt. Mamta Devi Bhansali, W/o. Shri Mukesh Bhansali, Aged About 48 Years, R/o. Baijnathpara Ward, Raipur Chhattisgarh.
7. Smt. Neeta Bhansali, W/o. Rajkumar Bhansali, Aged About 44 Years, R/o. Baijnathpara Ward, Raipur Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Anup Mazumdar, Advocate
For Respondent/State	: Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/09/2019

1. The present petition under Article 226 of the Constitution of India has been filed for issuance of appropriate direction.
2. It is submitted that FIR was lodged by the petitioner on 04.05.2010 making allegation against the respondent No. 5, 6 and 7 on the basis of which the offence under Section 420, 467, 468, 471, 34 of the Indian Penal Code was registered. Because of inaction of the police

authorities, a writ petition No.2072 of 2011 was filed. When the matter came up for hearing before the Court on 01.04.2019, the statement was made by the learned Deputy Govt. Advocate that case has been investigated and the closure report has been prepared, which has been submitted before the Court having jurisdiction. On the basis of the statement above mentioned, writ petition was dismissed. The investigation officer has clearly over looked the direction given by the Inspector General of Police vide Annexure P-4 on 14.08.2013 in which there were directions for making additional investigation. Subsequent to that case diary went missing. Another relevant document is Annexure P-11, which the petitioner has obtained under Right to Information Act from the concerned police Station. It is a communication dated 26.07.2019 to the Office of learned Advocate General that the case diary was submitted on 21.09.2012 in the Advocate General Office and for presenting closure report before the Court having jurisdiction, the case diary is required. This shows that the case diary is still missing and further it also shows that the direction of Inspector General of Police has also not been complied with, therefore, appropriate order be passed.

3. State counsel opposes the petition and the submissions made in this respect. It is submitted that case diary of the case concerned is still missing. However, it has been informed by the concerned Police Station that the case diary is being reconstituted.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. After considering on the submissions made by the counsel appearing for the parties, I feel inclined to dispose of the petition with following

direction. The case diary of Crime No.197 of 2010 be reconstituted by the respondent No.4 and after making compliance with the direction of the Inspector General of Police, Raipur dated 14.08.2013, regarding making of additional investigation by senior police officer, final report be submitted before the Court having jurisdiction as soon as possible preferably within a period of three months.

6. Accordingly, the petition is disposed off with the aforesaid direction.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram