

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 680 of 2019

- Dr. Narad Gupta S/o Shri Surendra Prasad Gupta Aged About 28 Years Working As Medical Officer, And Posted At Community, Health Centre, Latori, Surajpur, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
2. Director General Of Police State Of Chhattisgarh, Police Head Quarter, Surajpur, District Surajpur, Chhattisgarh.
3. Superintendent of Police Surajpur, District Surajpur, Chhattisgarh.
4. Station House Officer Police Station Jainagar, District Surajpur Chhattisgarh.
5. Kishori Mandal, S/o Shri Muneshwar Mandal, R/o Village Latori, Surajpur, District Surajpur, Chhattisgarh.
6. Pappu Sahu, Through Kishori, Mandal, R/o Village Latori, Surajpur, District Surajpur, Chhattisgarh.

---- Respondents

For Applicant	:	Mr. Virendra Verma, Advocate.
For Respondent/State	:	Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

27/08/2019

1. Petition under Article 226 of Constitution of India has been brought praying for issuance of appropriate notice(s)/directions(s)/order(s) etc.
2. It is submitted that petitioner is medical practitioner and he was working as Medical Officer in the Community Health Centre, Latori, Surajpur, District-Surajpur, Chhattisgarh on the date of incident. On 21.6.2019, when the petitioner was present on duty, the respondent No.5 & 6 came there and started abusing and threatening the

petitioner forcing him for doing their medical check-up out of turn and thereafter they deterred him from discharging his official duty regarding which FIR was lodged and registered under Crime No.146/2019 in Police-Station-Jainagar, District-Surajpur.

3. It is submitted that since the petitioner is a Medical Officer and he is covered under the definition of 'Medicare Service person', which is provided under Section 2(c) of the Chhattisgarh Medicare Service Persons & Medicate Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010, therefore, in the light of definition of the word 'violence', given under Section 2(i) of the Act, 2010, the offence under Section 3 of the Act, 2010 is also made out against the accused. Hence, it is prayed that appropriate direction be issued in that regard.
4. Learned State counsel opposes the petition and submits that there is no substance, therefore, petition be dismissed.
5. I have heard both the parties and perused the documents on record.
6. Section 2(c) of the Chhattisgarh Medicare Service persons & Medicate Service Institutions (Prevention of Violence and damage or loss to property) Act, 2010 defines the word 'Medicare Service Person', which reads as under:-

"Medicare Service Person" in relation to Medicare Service Institution means a Registered Medical Practitioner (including provisional registration holder), a registered nurse, a medical student, a nursing student and a paramedical worker and includes any person directly or indirectly employed and working in such institution".

Further, Section 2(i) of the Act defines the word 'violence' which reads as under:-

"Violence" means an act which causes or may cause any physical harm, injury or endangering the life of Medicare Service Person or criminal intimidation, obstruction to any Medicare Service Person in the discharge of his duty as a Medicare Service Person or causing damage or loss to the property in a Medicare Service Institution".

7. Section 3 of the Act,2010 prohibits such kind of violence against a Medicare person. Earlier there was Section 4 present as a penal

Section, which has been deleted by amendment Act, 2016, therefore, the offence made out, which is prohibited under Section 3 of Act, 2010, may be dealt with suitable provision under the IPC. It is informed that the investigation on the FIR lodged by the petitioner is still pending. In these circumstances, the present petition is disposed off with a direction that respondent No.4 shall take care of the provision of Section 3 of Chhattisgarh Medicare Service persons & Medicate Service Institutions(Prevention of Violence and damage or loss to property) Act, 2010 while investigating the offence concerned and file the charge-sheet accordingly.

8. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha