

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 769 of 2019

- Babu Lal Agrawal S/o Late Shri Mansha Ram Agrawal Aged About 72 Years R/o Friends Colony, Raigarh, Tehsil And District- Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
2. Director General Of Police Police Head Quarter, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
3. Superintendent Of Police Raigarh, District- Raigarh, Chhattisgarh
4. Station House Officer Police Station Kharsia, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Mr. Ashutosh Singh Kacchawaha, Advocate.
For State/respondents : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-08-2019

Heard on admission.

1. This petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ and directions.
2. Learned counsel for the petitioner submitted the F.I.R. was lodged by Rajkumar Patle on behalf of the petitioner, alleging the trespass and assault made by five to six persons. It is clearly mentioned in the F.I.R. that the victim became unconscious after the assault and injury and his gold chain, a ring and cash in his pocket were found missing. On that basis, the offence under Section 394, 392 is also made out against the

main culprit. Therefore, petition be admitted.

3. Learned counsel appearing for respondents submits that if on the basis of contents of F.I.R. the offenses are made out and the orders can be passed.
4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions made by the learned counsel for both the sides and perused the copies of F.I.R. filed along with the petition, as there is a statement that the petitioner was in possession of the articles, when he was assaulted and injured and then, he became unconscious and then his articles were found missing. Therefore, on precautionary side, the police is required to investigate the complaint of articles missing. Hence, this petition is disposed off at the motion stage with the following direction:-
 - (a) The respondent No.3 and 4 are directed to investigate the complaint present in the F.I.R. lodged in this case with respect to the commission of offence of robbery of articles in possession of the petitioner at the time of incident.
6. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge