

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 904 of 2019

- Nagendra Kumar Chandra, S/o Shri Tarun Kumar Chandra, Aged About 26 Years Agriculturist, R/o Borsi, Tahsil Champa, District-Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station Officer of Police Station Birra, District-Janjgir Champa, Chhattisgarh.

---- Respondent

For petitioner	: Mr. Hari Om Rai on behalf of Mr. K.K.Patel , Advocate
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/09/2019

Heard.

1. This petition under Article 226 of Constitution of India has been brought praying for setting aside of the charge-sheet so far as it relates to the petitioner herein.
2. It is submitted that the petitioner has been falsely implicated in the case registered vide FIR No.48/2019 for different offences. The petitioner was not present on the spot of incident on the date and time mentioned in the FIR regarding which there is proof of CCTV footage of the market where the petitioner was present, therefore, petition be

admitted.

3. Learned State counsel opposes the petition and submissions made in this respect. It is submitted that what has been submitted by the petitioner side is defence of alibi which is required to be proved in defence during trial.
4. After considering submissions made by both the sides, it is found that the ground on which the petition has been brought is the defence of the petitioner which can be examined and entertained by the trial Court during trial and for this reason, I do not find any substance in this petition which is liable to be dismissed at motion stage itself.
5. The petition is accordingly disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha