

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 596 of 2018

- Tuslidas Mahant S/o. Late Ramdas Mahant, Aged About 21 Years, R/o. Village Chhote Mudpar, Tahsil Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh through its Secretary, Department of Home/Police, Secretariat, Mahanadi Bhawan, P.S. and Post Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Superintendent of Police, Raigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
3. Sub Divisional Officer (Police), Kharsia, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. The Station House Officer, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
5. Ganga Prasad Banjare, Assistant Sub Inspector, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner – Shri Vipin Punjabi, Advocate.

For State/Respondent No.1 to 4 – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2019

Heard.

1. Instant petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ(s)/direction(s)/order(s) etc.
2. It is submitted that in the accident that took place an attempt was made to cause death of the petitionern and the petitioner has suffered serious injuries on his head because of which he was required to be hospitalized and treated, even then the police have registered offence only under Section 294, 323 and 506 of the IPC, whereas, offence under Section 307 of the IPC is also made out. Therefore, the petitioner has apprehension that the respondent No.2, 3 and 4 are not making fair investigation and respondent No.5 is interfering with the fair investigation. Hence, it is prayed that direction be issued.
3. Learned counsel for the State opposes the petition and submits that the

police has registered the FIR on the basis of the information given by the petitioner himself and now he is making development in the earlier statement, therefore, he cannot claim that the police is not making fair investigation.

4. Heard learned counsel for the parties and perused the documents.

5. After considering on the submissions made by the parties and perusing the documents filed alongwith the petition, it is found that the petitioner has made a complaint to the respondent No.2 that in fact the incident had been of an attempt to murder and the apprehension of the petitioner is this, that this case is not being fairly investigated, therefore, it would be appropriate to dispose off this petition with direction.

6. Consequently, the petition is disposed off and respondents No.2, 3 and 4 are directed to investigate the FIR lodged by the petitioner with all fairness by taking his additional statement and if there are other circumstances present then do the needful in accordance with law. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge