

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 173 of 2020

- Sitaram Sinha, S/o. Late Shri Paras Ram Sinha, Aged About 61 Years, R/o. Village-Sarkada, Police Station and Tehsil-Pithora, District-Mahasamund, Chhattisgarh. (Accused).

---- Petitioner

Versus

1. State of Chhattisgarh Through Station House Officer Pithora, District-Mahasamund, Chhattisgarh.
2. Gauri Shankar Patel, S/o. Shri Mukund Ram Patel, Aged About 50 Years, R/o. Village- Kocherra, Police Station and Tehsil-Pithora, District- Mahasamund, Chhattisgarh. (Applicant/ Objector).

---- Respondents

For petitioner	:	Mr. Surfaraj Khan, Advocate.
For respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

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

17/02/2020

Heard.

1. This petition has been brought being aggrieved by the order dated 27.7.2019 passed by the learned trial Court directing the concerned Station House Officer to submit report on the prayer made by the respondent No.2 for making additional investigation in the case.
2. It is submitted that the respondent No.2 has presented additional documents and made statements on this respect and prayed for additional investigation. The learned trial Court without appreciating the facts and circumstances of case has directly ordered the concerned SHO to produce a report on the application, which is uncalled for and unnecessary and is also not permitted under any law. Hence, it is prayed that the impugned order be interfered with.
3. Learned State counsel opposes the petition and submissions made in

this respect. It is submitted that there is no such order passed by the trial Court in which this Court can make any interference. The order is yet to be passed on the application passed by the respondent No.2. Hence, there is no ground for raising any grievance before this Court.

4. Considered on the submissions and perused the documents which is present along with the petition.
5. The prayer has been made by the respondent No.2 under Section 173 (8) of CrPC. The authority to make additional investigation under the provision is directly vested with the police itself, therefore, there is no requirement of any order by the Court. However, the Court, may looking to the circumstances, advise the investigating agency to make additional investigation, if necessary, in the case. Hence, before passing any order by the Court submission of report is not at all necessary. The Court has to consider only material which is present before it and it cannot pass any order which may appear to be a sort of any inquiry or any investigation which appears from the nature of the direction in the order.
6. Accordingly, this petition is disposed off with a direction to the Court to dispose with the direction to the police for submitting report and to pass the order on the application of respondent No.2 on the basis of documents filed by respondent No.2 and the prayer made in the said application. The said application will be decided within a period of 15 days from the date of production of certified copy of this order, after affording opportunity of hearing to all interested parties.

Sd/-

(Rajendra Chandra Singh Samant)
Judge