

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 121 of 2021**

- Tularam Patel S/o Shri Dhajaram Patel Aged About 39 Years R/o Village Khaira, Tahsil And District Bilaspur Chhattisgarh, Present Address Devnandan Nagar Face 1, Near Shri Jugal Kishor Pandey Advocate House , Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Director General Of Police , Police Head Quarter , Civil Line Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Inspector General Of Bilaspur Range I.G. Office, Near Nehru Chowk, Bilaspur Chhattisgarh.
3. Superintendent Of Police Near Nehru Chowk, Bilaspur Chhattisgarh.
4. Station House Officer Police Station Sarkanda , District Bilaspur Chhattisgarh.

---- Respondents**By circulation in Chamber****S.B.: Hon'ble Mr. Justice Narendra Kumar Vyas****06-09-2021**

1. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.
2. The review petitioner seeks review of the order dated 28-6-2021 passed in WPCR No. 106/2018 on the ground that the concerned police authority failed to perform their duties in

accordance with law, therefore, in the above circumstance, issue appropriate direction to change the investigating officer or transfer the investigation from one place to another place.

3. After going through the record of the writ petition, it is manifest that after appreciating all the facts and circumstances of the case, in its true perspective, this Court disposed of the writ petition (cr) granting liberty to the petitioner to make a complaint under Section 200 of Cr.P.C., before the Judicial Magistrate First Class over the place of offence and in turn Magistrate will follow the procedure prescribed under the provisions of the Cr.P.C.
4. On consideration of the above-stated grounds, which are in the nature of taking liberty to re-argue the writ petition are unsustainable in the eyes of law.
5. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for

review.

6. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.
7. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerala State Electricity Board v. Hitech Electrothermicsm & Hydropower Ltd. and others, (2005) 6 SCC 651.
8. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-

(Narendra Kumar Vyas)

Judge

Raju