

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 414 of 2021

Shahid Aibani S/o Late Usman Bhai Aged About 35 Years R/o Block Road, Takhatpur, Ward No. 1, P.S. And Tehsil Takhatpur, District Bilaspur, Chhattisgarh. (Complainant).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home Affairs (Police), Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Superintendent Of Police Bilaspur District Bilaspur, Chhattisgarh.
3. Station House Officer Police Station Takhatpur, District Bilaspur, Chhattisgarh. (Prosecution), District : Bilaspur, Chhattisgarh
4. Sajid Aibani S/o Late Usman Bhai Aged About 33 Years R/o Chandela Colony, Near Bhatia Petrol Pump, P.S. Civil Lines, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh. (Accused)
5. Mohd. Yusuf Memon S/o Late Iqbal Memon Aged About 38 Years R/o Ward No.6, Musalmanpara, Takhatpur, P.S. And Tehsil Takhatpur, District Bilaspur, Chhattisgarh. (Accused)
6. Wahid Memon S/o Late Iqbal Memon Aged About 36 Years R/o Ward No.6, Musalmanpara, Takhatpur, P.S. And Tehsil Takhatpur, District Bilaspur, Chhattisgarh.

(Old Address Was R/o Vyapar Vihar, P.S. Civil Lines, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh.) (Accused)

---- Respondents

For Petitioner	:	Shri Surfaraj Khan, Advocate
For Respondent/ State	:	Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08.09.2021

Heard.

1. This petition under Article 227 of the Constitution of India has been brought being aggrieved by the pendency of the proceeding before the Court of Judicial Magistrate, First Class, Takhatpur, District Bilaspur and seeking issuance of a direction for expediting the same.

2. It is submitted by counsel for the petitioner that the petitioner has filed an application under Section 156(3) of the Cr.P.C. before the Court of learned Judicial Magistrate First Class, Takhatpur, District Bilaspur on 20.3.2018. Learned Court has passed an order dated 21.6.2018, directing the police station Takhatpur to lodge an FIR against respondents No.4 to 6 and investigate the case. On 17.7.2018, the FIR was lodged against respondents No.4 to 6 as F.I.R. No. 284 of 2018 for the offences under Sections 420 and 467/ 34 of the I.P.C.
3. It is submitted by counsel for the petitioner that respondents No. 5 & 6 preferred a writ petition as W.P.(Cr.) No.503 of 2018 for quashment of the order dated 21.6.2018, which was dismissed by the order dated 9.1.2019. Later on, police station Takhatpur submitted a closure report before the Court of Judicial Magistrate First Class, Takhatpur on 30.11.2019. Learned JMFC, Takhatpur rejected the closure report and directed the police station Takhatpur to submit the final report. It is submitted that since the date of that order i.e. on 30.11.2019, respondent No.3 has not taken care to comply with the order of the Court and the learned Court has also not taken any specific steps to seek the compliance of the order passed. Hence, it is prayed that a direction be issued.
4. Learned State counsel appearing for respondents No.1 to 3 opposes the submissions made by counsel for the petitioner.
5. After considering on the submissions made by counsel for the petitioner and perusing the documents filed alongwith the petition, it is observed that number of dates have been given by the learned Court for compliance, but the same has not been made so far. In case of such non-compliance of an order of the Court, the Court has the power to take coercive steps against the Erring officer and granting adjournments

in a routine manner is not acceptable. Therefore, the petition is disposed off at motion stage. Learned Court of the Judicial Magistrate, Takhatpur, District Bilaspur is directed to take coercive steps against respondent No.3 for seeking the compliance of the order passed by it on 30.11.2019. This may be completed within a time frame of three months from today.

6. Accordingly, the petition stands disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi