

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPCR No. 465 of 2020**

1. Dulorim Bai, W/o Gopaki Ram, Aged About 33 Years.
  2. Sadamati Yadav, W/o Bhagiram Yadav, Aged About 55 Years.
  3. Parvati Yadav, W/o Annu Yadav, Aged About 40 Years.
  4. Susheela Lahare, W/o Santosh Kumar, Aged About 30 Years.
  5. Radha Bai, W/o Ramesh Kumar, Aged About 34 Years.
- All are R/o Village- Khamhariya, District- Mungeli (C.G.)

--- Petitioners

**Versus**

1. State of Chhattisgarh, Through: the Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
2. Collector, Mungeli, District- Mungeli (C.G.)
3. Sub Divisional Officer, Mungeli, District- Mungeli (C.G.)
4. Superintendent of Police, Mungeli, District- Mungeli (C.G.)
5. Station House Officer, Police Station- Jarhagaon, District- Mungeli (C.G.)
6. Food Officer, Mungeli, District- Mungeli (C.G.)
7. Food Inspector, Mungeli, District- Mungeli (C.G.)
8. Smt. Janki Banjare, Sarpanch, Village- Panchayat, Khamhariya, District- Mungeli (C.G.)

--- Respondents

---

|                        |   |                                   |
|------------------------|---|-----------------------------------|
| For Petitioners        | : | Mr. Rajeev Kumar Dubey, Advocate. |
| For State/ Res. 1 to 7 | : | Mr. Vinod Tekam, Panel Lawyer.    |

---

**Hon'ble Shri Justice Narendra Kumar Vyas**

**Order on Board**

**29/09/2021**

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India seeking direction to police authorities to register offence against respondent No. 8 and file charge-sheet before concerned Court for committing offence punishable under Section 3 & 7 of Essential Commodities Act, 1955 (for short "the Act, 1955") and contravention of Mahamari Act/ the Disaster Management Act, 2005 (for short "the Act, 2005") and also

Section 406/511 of I.P.C. against her.

2. Learned State counsel would submit that FIR has already been registered against respondent No. 8 for committing offence under Sections 3 & 7 of the Act, 1955.
3. Learned counsel for the petitioner would submit that since offence has been committed when the pandemic was going on, therefore, as per provision of the Act, 2005, may also be registered against respondent No. 8.
4. Learned State counsel would submit that as per Section 216 of the Cr.P.C., the petitioner is at liberty to file appropriate application before the concerned Magistrate for alteration of charge and if the Magistrate while conducting the trial finds that there is sufficient material available for framing of charge under the Act, 2005, he may add the charge also.
5. In view of such submission, learned counsel for the petitioner would submit that this petition may be disposed of and the petitioner may be given opportunity to file appropriate application before concerned Magistrate for alteration of charge, in accordance with law.
6. In view of the submission made by learned counsel for the petitioner as well as State, the instant writ petition stands disposed of. However, liberty is granted in favour of the petitioner to file appropriate application before the concerned Magistrate, in accordance with law.

**Sd/-**  
**(Narendra Kumar Vyas)**  
**Judge**