

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5300 of 2020

1. Banshi Lal Boga S/o Shri Dharmu Ram Boga Aged About 43 Years Occupation Suspended Constable No. 212 At A D Company 4th Battalion Chhattisgarh Armed Force, Mana Raipur, District Raipur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Home Department Mantralaya Mahanadi Bhawan, Raipur, District Raipur, Chhattisgarh.
2. The Commandant D Company 4th Battalion Chhattisgarh Armed Force, Mana Raipur, District Raipur, Chhattisgarh.
3. The Enquiry Officer/ Assistant Commandant 4th Battalion Chhattisgarh Armed Force, Mana Raipur, District Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vivek Sharma, Advocate.
For State	:	Shri Amit Buxy, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.01.2021

1. The grievance of the petitioner in the present writ petition primarily was non granting of copy of CD which is alleged to have been prepared in respect of allegation that has been levelled against the petitioner, which in the instant case is in respect of the petitioner having collected huge amount of money on the pretext of providing employment. The services of the petitioner on that count was terminated.
2. The petitioner moved an application for providing copy of said CD which has been refused by the Enquiry Officer, however, while rejecting providing of CD to the petitioner, the Enquiry Officer has mentioned that the petitioner as well as his defence assistance/legal assistance would have an access to the CD and to its contents in the course of enquiry.
3. Given the facts that the Enquiry Officer has permitted access to CD and its contents to the petitioner and to his legal assistance, this court is of the opinion that no prejudice would be caused to the petitioner for not

providing copy of CD, particularly taking into consideration the peculiarity of the facts and circumstances of the case. The fact that the petitioner would be able to visualize the CD and also be permitted to cross examine the witnesses on the basis of the contents therein, the petitioner's right would not be adversely affected in any manner.

4. Accordingly, the writ petition stands disposed of at this juncture with a direction that the Enquiry Officer shall ensure that the petitioner and his legal assistance would have an access to the contents of the CD in the course of the enquiry and they would be permitted to cross examine also the witnesses on the basis of contents therein.

Sd/-
(P. Sam Koshy)
Judge

inder