CGHC010360202026 2026:CGHC:43318

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2347 of 2026

- Om Prakash Sharma S/o Late Ram Pravesh Sharma Aged About 38 Years R/o Kelo Vihar Colony, House No.435, Near S E C L Office, P.S. Chakradhar Nagar, Raigarh District- Raigarh (C.G.)

... Appellant

versus

- State Of Chhattisgarh Through- Station House Officer, City Kotwali, Raigarh, District- Raigarh (C.G.)

... Respondent(s)

CHANDRAKANT DEWANGAN

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Date: 2026.10.07 14:24:37 +0530

For Appellant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Anish Tiwari, Dy. Govt. Advocate.

SB : Hon'ble Shri Justice Naresh Kumar Chandravanshi

Judgment on Board

06/10/2026

1. Heard on admission.

2. This criminal appeal has been preferred by the appellant/accused challenging the order dated 14/08/2026 passed by the learned Special Judge, Raigarh (C.G.) in Special Case (under Depositors Interest Act) No.01/2023, whereby the application filed by the appellant under Section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "the BNSS") has been rejected.

3. Facts of the case, as projected by the Appellant/accused, are that the complainant-Dinesh Niganiya lodged an FIR on 29/09/2022 at Police Station City Kotwali, Raigarh bearing Crime No.1363/2022, alleging inter-alia, that from 19/06/2017 to 07/09/2017, he and his wife met with co-accused persons including the present appellant, who were working in Sahara India Company, where they introduced the complainant with Sahara India Scheme, thereafter, the complainant, his wife and mother have invested total amount of Rs.40 Lakhs in the form of total 182 bonds from June, 2017 till September, 2017. It is further alleged that the accused persons have also stated them that complainant will get the interest after the said amount will got matured. When the complainant came into knowledge that various FIRs have been lodged in various states against the Sahara India Company, as the said Company is not releasing the maturity amount with interest to the investors, therefore, the aforesaid FIR was lodged against appellant and other co-accused persons for the offence under Sections 420, 120-B, 34 of IPC and Sections 4, 5 and 6 of the Chhattisgarh Depositors Interest Act, 2005. After completion of due investigation, the Police has filed charge-sheet before the Special Court on 14/03/2023 against the appellant and other co-accused persons. Aforesaid case has been registered by the Special Court as Special Case (under Depositors Interest Act) No.01/2023, which is at the stage of recording prosecution witnesses and six prosecution witnesses have already been examined.

4. Learned Counsel for the Appellant would submit that at the relevant point of time, the appellant was posted as a Manager of Sahara Credit Co-operative Society Limited, Raigarh. He further submits that

the complainant has deposited an amount of Rs.40 Lakhs in the aforesaid society, therefore, bonds were also issued to them by the aforesaid society, which was issued under the signature of appellant as authorized signatory of the society. He further submits that while depositing money by the complainant, an application was filled by them and various receipts and documents were issued to them and original documents in this regard have been sent by the aforesaid society to the Head Office, namely, Sahara Command Office, Lucknow, therefore, the appellant has filed an application before the Special Court to call for various documents pertaining to said investment, which has been mentioned in the application, but the same has been rejected by the Special Court on the ground that being a Manager of the said Society, the appellant himself can obtain those documents. He further submits that as of now, the appellant is not holding the said post of Manager, therefore, it is not possible for him to obtain those documents and, thus, he prays that the application made by him, may be allowed and a direction be issued to the Special Court to call for the aforesaid documents.

5. Per contra, learned counsel appearing for the State support the impugned order passed by the Special Court.

6. I have heard learned counsel for the parties and perused the material available on record.

7. Appellant has filed a copy of application (Annexure A-3) before the trial Court, which shows that he sought various documents, which according to the appellant are in possession of Sahara Command Office, Lucknow, but a perusal of nomenclature of those documents

does not show that whether those documents have any connection with the Star Multipurpose Society, as it has not been mentioned that those documents have been issued on behalf of aforesaid society. Further, the appellant has also not filed any document to demonstrate the fact that Sahara Command Office, Lucknow was the Head Office of aforesaid Society,

8. Perusal of contents mentioned in the application does not show any relevancy of those documents pertaining to the alleged charge leveled against the appellant and other co-accused persons. Rather, it appears from application that it is vague and has no relevance to the facts of the case.

9. In view of above, this Court is not inclined to allow the instant appeal and the same is rejected at the motion stage itself.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Chandrakant