

C.F/100-20

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION NO. 1997/2001

PETITIONER

P. R. No. 1216/01

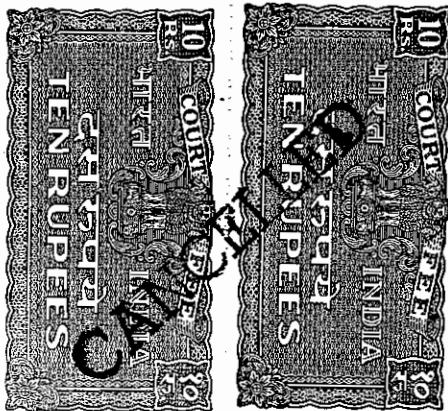
Presented by Shri. V. J. Jay Deshmukh

dated 16.7.2001

: Ashish Solanki S/o Chimanlal Bhai Solanki aged about 33 years, resident of Motipura, Burg.

VERSUS

RESPONDENTS



- : 1) State of Chhattisgarh through the Secretary, Home Department, B.K. Bhawan, Raipur.
- 2) Director General of Police, Chhattisgarh, Police Head Quarter, Raipur;
- 3) Superintendent of Police, Burg, Distt. Burg, Chhattisgarh.
- 4) The Station House Officer, Police Station, Burg/C.G.2

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

१५ अगस्त २००१

(48)

आदेश पत्रक

सामला क्रमांक

WP 1297

सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>31-10-2001: Shri P. Diwakar learned counsel for the petitioner.</p> <p>Shri Deep Kesharwani learned panel lawyer for the State.</p> <p>Shri Kesharwani submits that since the challan has been filed, this petition has become infructuous. The relief sought for in this petition is to issue a direction to the respondents to file challan against the accused persons in respect of the offence committed by them on the basis of materials available in the case diary. The challan has been filed after the investigation was made. Shri Kesharwani submits that the challan has been filed on the basis of material collected by the investigating officer, therefore, it is submitted that there is no other issue which survives consideration by this Court. Mr. Diwakar submits that though the offences complained of are very serious in nature, the challan submitted by the police indicates that the offences are of lighter nature. It appears that further remedy would not lie before this court in exercise of its jurisdiction under Article 226 of the Constitution of India inasmuch as the main relief of issuing direction to the police to file challan has already been complied with.</p> <p>In my view the petitioner can not be said to be without remedy if he is not satisfied with the challan submitted by the police in respect of the offence committed by the accused persons. In my view the petitioner has every right and liberty to raise any point including the fact that the charge-sheet does not tally with grave offence committed by the accused persons before the competent criminal court.</p> <p>With the above observations and directions the petition is disposed of.</p> <p>Certified copy as per rules.</p>	

Sd/-
Chief Justice

J

4/10/01