

P.R. No. 2687/06  
Presented by Shri. B.N. Ganware  
dated 18/05/06

SINGLE BENCH

C1  
CP 1002

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION NO 2635 /2006 [S.B.]**

**PETITIONER**

:- B.L. Ganware, aged about 40 years son of late Shri Jhadu Ram Ganware, Assistant Grade-II, Tahsil Office Dondilohara, District Durg [C.G.].

**VERSUS**

**RESPONDENTS**

- :-
- 1] State of Chhattisgarh, Through- The Secretary Law Department, D.K.S. Bhavan, Raipur [C.G.].
  - 2] Shanti Lal son of Premraj Jain, aged about 35 years, resident of Andi, Police Station and Tahsil Dondilohara, District Durg [C.G.].
  - 3] The Collector, Durg [C.G.].

RECEIVED-COPY  
18/5/06  
CLERK to A. G. BILASPUR

**WRIT PETITION UNDER ARTICLE 226/227 OF THE**  
**CONSTITUTION OF INDIA**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. No. 2635/2006 सन् 200

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## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश   | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|------------------------------------|---|---|
|                                    | <p><b>24.5.2006</b></p> <p><b><u>W.P.No.2635/2006</u></b></p> <p>Shri N.K. Chatterjee, counsel for the petitioner.</p> <p>Shri V.V.S.Murthy, Dy. Advocate General for the State on advance copy.</p> <p>Heard on admission.</p> <p>This petition has been filed for expunction of remark made vide para 12 of the order dated 4.4.2006, passed in Criminal Revision No. 256/2005 by the Additional Sessions Judge, Balod, District-Durg(CG). It appears that while hearing the criminal revision, the Sessions Judge noticed that even without any order in this regard, the petitioner herein, who was working as a Reader to the Executive Magistrate, Dondilohara, had issued summons to respondent No. 2 on 3.3.2005 and also directed that he should remain present along with surety on 9.3.2005. This date was also given by him on his own motion. The Sessions Judge noticed that no such order was passed by the Presiding Officer and such kind of action was taken by the petitioner/concerned Reader of the said Court. The observations made vide para 12 of the impugned order are as follows :</p> <p>"विद्वान दण्डाधिकारी के कोई आदेश न होने पर भी न्यायालय के प्रस्तुतकार उत्तरवादी क्र० - 9 ने पुनरीक्षणकर्ता जो कि प्रकरण में साक्षी थे, को दिनांक 3/3/05 को समन जारी किया और यह आदेश भी दिया कि जमानतदार सहित उपस्थित होवे और उपस्थिति की पेशी 9/3/05 भी दी है । इस प्रकार</p> |   |

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|------------------------------------|--|---|
|                                    | <p>से प्रस्तुतकार ने स्वयं पीठासीन अधिकारी बनकर कार्य किया है जबकि विद्वान अनुविभागीय दण्डाधिकारी का कोई आदेश नहीं था अर्थात् प्रस्तुतकार ने उत्तरवादीगण से मिलकर या प्रभावित होकर या किसी अन्य उद्देश्य की पूर्ति के लिए विधि विरुद्ध तरीके से समन जारी किया है जो कि उचित नहीं है।"</p> <p>Learned counsel for the petitioner submits that in view of this observation, a departmental enquiry is going on. He further submits that the remark be expunged and the proceedings of enquiry be also quashed/stayed.</p> <p>In view of the remarks recorded by the Additional Sessions Judge which appears to be based upon perusal of the record by him, I am not inclined to interfere in such kind of petition at this stage, specially when the departmental enquiry is still going on. The petition has no merit. The same is dismissed at the motion stage itself.</p> <p>In view of this order, I.A.No.5185/2006 for urgent hearing and I.A.No.5184/2006 for hearing the case during vacation stand disposed of.</p> |   |

Sunita

Sd/-  
Sunil Kumar Sinha  
Vacation Judge

26.5.06