



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPCR No. 472 of 2021

- Lakhan Lal Patel S/o Late Shri Onkar Patel, Aged About 40 Years Occupaion- Town Inspector- Police, Presently Posted As Town Inspector Katghora Police Station, R/o D-9, Balco, Korba, District- Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home Naya Raipur, Mantralaya, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Inspector General Of Police, Baster Range, Lalbagh, Jagadalpur, District- Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh
3. Senior Superintendent Of Police, Jagadalpur, District- Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

04.08.2021	
	Mr. Shashank Thakur, Counsel for the Petitioner. Mr. Gurudev I. Sharan, G. A. for the State. Learned counsel for the petitioner would submit that petitioner is presently working as Sub-Inspector of Police and posted at Padnabhapur District Durg, CG. The petitioner has filed this present petition against the memorandum dated 12.01.2021 (Annexure P-4) and the issuance of charge-sheet by the State. The background of the case is that petitioner was working as Sub-Inspector at Police Station Kotwali District Bastar and FIR under Sections 420, 467,468 and 471 of IPC was registered in the Police Station Kotwali. After investigation the final report was submitted and criminal case was registered as criminal case No.691/2016. The learned trial Court after appreciating the evidence and



material on record has acquitted the accused but while acquitting the accused the learned trial Court has made certain adverse allegations against the petitioner in Paragraph 20 of its judgment. Thereafter, on the basis of judgment, the State has issued memo on 06.11.2020 by which the preliminary enquiry has been conducted and thereafter charge-sheet has been issued to the petitioner on 14.01.2021.

The learned counsel for the petitioner would submit that issuance of charge-sheet and memo for initiation of departmental enquiry without giving any opportunity of hearing is against the judgment passed by this Court in WPCR No.276/2015 in case of Lambodar Patel Vs. State of CG and WP No.2135/2003 in case of Rajkumar Dewangan Vs. State of CG and others. The co-ordinate Bench of this Court has already held that without issuance of show cause notice, the learned trial Court should have not made any adverse remark against the petitioner and the State Authority should have also not initiated enquiry without giving any opportunity of show cause. This is in violation of principle of natural justice. The case is arguable.

Heard on admission.

Admit.

Also heard on application for grant of interim relief.

Considering the facts and circumstances of the case, the fact that no opportunity of hearing was given to the petitioner by the learned trial Court as well as by the State before issuance of charge-sheet to the petitioner, the manner in which the proceedings initiated against the petitioner, which is in violation of natural justice, It is directed that the departmental enquiry in pursuance of charge-sheet dated 14.01.2021



shall remain stayed, till the next date of hearing.

State is directed to file return.

List this case after four weeks.

Sd/-

(Narendra Kumar Vyas)

Judge

Parul

