

ITEM NO.6 Court 1 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SPetition for Special Leave to Appeal (Crl.) No.4458/2021

(Arising out of impugned final judgment and order dated 11-06-2021 in WPCR No. 323/2021 passed by the High Court of Chhattisgarh at Bilaspur)

THE STATE OF CHHATTISGARH & ORS.

Petitioner(s)

VERSUS

RAMAN SINGH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.71718/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.71717/2021-EXEMPTION FROM FILING O.T., IA No.71952/2021-EXEMPTION FROM FILING O.T. and IA No.71951/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Crl) No. 4505/2021 (II-C)

(FOR ADMISSION and I.R. and IA No.72497/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.72496/2021-EXEMPTION FROM FILING O.T., IA No.72837/2021-EXEMPTION FROM FILING O.T. and IA No.72836/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-09-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Dr. A.M Singhvi, Sr. Adv.
Mr. S. Niranjan Reddy, Sr. Adv.
Mr. S.C. Verma, Sr. Adv./AG
Mr. Sumeer Sodhi, AOR
Mr. Aman Nandrajog, Adv.
Mr. Arjun Nanda, Adv.
Mr. Gaurav, Adv.
Mr. Hussain Ali, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

Having heard learned Senior counsel appearing for the petitioners and carefully perusing the material available on record, we see no reason to interfere with the impugned interim Orders passed by the High Court of Chhattisgarh at Bilaspur to the extent the said Court while admitting the petitions of Respondent No.1 viz. Dr. Raman Singh & Dr. Sambit Patra in both the matters, granted interim relief to them.

However, we find that the High Court, while granting interim relief to Respondent No.1 – herein in both the matters, made the following observations:

" xx xx xx

"From perusal of FIR, it is apparent that ingredients of forgery with intent to harm reputation, is not made out as attached document is already in public domain, much prior to the time petitioner has twitted the message.

So far as the allegation regarding registration of offence under Section 188 of I.P.C without compliance of Section 195 of the Cr.P.C., is *prima facie* illegal.

Xx xx xx

In view of above legal provisions, considering the facts of the case and from perusal of FIR, *prima facie*, no case is made out against the petitioner and criminal proceedings is manifestly attended against the petitioner with malafides or with political grudge. Considering overall the facts and circumstances of the case, I am of the view that the petitioner has made out strong case for grant of stay, as continuation of investigation on basis of F.l.R dated 19.05.2021 will be nothing but an abuse of process of law."

The aforesaid observations, in our view, would have bearing on the investigation, being at a nascent stage, and further that the High Court ought not to have made such unwarranted observations

that the allegations contained in the FIRs do not disclose commission of an offence, when investigation in the matter is under-way, as stated above.

In view of the above, the said observations of the High Court contained in Order dated 11-6-2021 deserve to be deleted.

Ordered accordingly.

The impugned interim orders passed by the High Court are modified to the extent indicated above.

We request the High Court to dispose of the matters, pending adjudication before it, as expeditiously as possible.

With the above observations, the Special Leave Petitions and pending applications are disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)