
(2019) 02 CHH CK 0186
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 447 Of 2019

Aman Kumar Singh	Vs	APPELLANT
State Of Chhattisgarh		RESPONDENT

Date of Decision : 13-02-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 2(h), 154

Citation : (2019) 02 CHH CK 0186

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Vikas Singh, Deepika Kalia, Kishore Bhaduri, A. Kapoor, Ravindra Sharma, Alok Bakshi

Final Decision : Allowed

Judgement

Heard.

Shri Vikas Singh, learned Senior Advocate mentioned the matter today at 10.30 am on which this Court directed for listing and hearing of the matter at

2.15 pm on the petitioner's application for grant of ad interim relief.

Learned Senior Counsel would refer to some of the annexures filed along with application for grant of ad interim relief to press urgency and

emergency for taking up the matter. He would argue that in the matter of State of West Bengal and others Vs. Committee for Protection of

Democratic Rights, West Bengal and Others {(2010) 3 SCC 571} ,the Supreme Court has categorically observed that investigation should not be

initiated without there being any material against the person concerned and direction for investigation by the CBI or any other agency should not be

ordered by the High Court merely on the basis of some allegations. He would also refer to the judgment in the matter of Divine Retreat Centre Vs.

State of Kerala and Others {(2008) 3 SCC 542}, particularly paras 46 to 50 thereof to contend that in the said case, the High Court had directed for

investigation on mere allegation which has been set aside by the Supreme Court as there was no prima facie material about commission of cognizable

offence. He would also refer to Sections 2 (h) and 154 of the CrPC to buttress his submission that the SIT cannot be constituted without there being

any crime, as no FIR for commission of any cognizable offence has been registered in the matter. He would strenuously urge that if the petitioner is

not protected before the date of hearing set forth by this Court, immense harm would be done which cannot be undone.

Shri Alok Bakshi, learned Additional AG would object to the prayer on submission that the matter was argued day before, but prayer for interim relief

was not pressed. He would also submit that today also, the matter has been mentioned at 10.30 am, therefore, the State should be allowed some time

to file reply to the main petition as also to the prayer for grant of interim relief.

Having given thoughtful consideration to the submission made by the parties, particularly, in view of the observations made by the Supreme Court in

the matters of Committee for Protection of Democratic Rights, West Bengal and Divine Retreat Centre (Supra), I am convinced that the present is a

case where ad interim relief is required to be granted in favour of the petitioner.

Accordingly, it is directed that no further steps be taken pursuant to the impugned order of formation of SIT till the next date of hearing.

Instead of earlier date of hearing of 12.3.2019, the matter shall now be posted for hearing on 27.2.2019.