ITEM NO.37 COURT NO.17 SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).3649/2025

[Arising out of impugned final judgment and order dated 03-02-2025 in CRMP No.956/2018 passed by the High Court of Chhatisgarh at Bilaspur]

GOPAL PRADHAN Petitioner(s)

VERSUS

STATE OF CHHATTISGARH & ORS. Respondent(s)

(IA No. 61016/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 61014/2025 - EXEMPTION FROM FILING O.T.)

Date : 17-03-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Abhinav Shrivastava, AOR
Mr. Bajrang Agrawal, Adv.
Ms. Unnati Vaibhav, Adv.

For Respondent(s)

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

The petitioner is aggrieved by the impugned order passed by High Court upholding the direction passed by the learned Judicial Magistrate, First Class, Pithora, District-Mahasamund in the State of Chhattisgarh on 13.04.2018 in Criminal Case No.454 of

17, relevant portion of which reads as under:-

> " Therefore, the then competent officer/land acquisition officer K.D. Vaishnav and patwari Gopal Pradhan are summoned as accused. Their names should be included in the charge sheet."

2. Learned counsel for the petitioner submitted that there is no provision in law where the Court can direct the Police to file charge-sheet against a particular person. It was submitted that after due investigation, the Police had submitted the Final Form not sending up the petitioner for trial but still the Court has not only directed for inclusion of the names in the charge-sheet but also issued summons.

3. Having considered the matter, we find some technical merit in the contention of the learned counsel for the petitioner. The Court has the power to differ from the Final Form submitted by the Police and take cognizance of a crime and also against persons who may not have been sent up for trial by the Police after investigation. In such circumstances, the Court is then required to issue summons instead of directing for inclusion of the name of the person in the charge-sheet. Thus, ultimately, the result is the same, that is, the person concerned is arrayed as an accused upon taking cognizance after application of mind by the Court and accordingly, summons are issued. Thus, the order which in essence is of summons as an accused, cannot be faulted.

4. For reasons aforesaid, the Special Leave Petition stands dismissed with the clarification above.

5. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)