

(2019) 02 CHH CK 0103

Chhattisgarh High Court

Case No: Writ Petition (C) No. 429 Of 2019

R.K. Dubey

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 8, 2019

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: R.K. Dubey, atish Chandra Verma

Judgement

Goutam Bhaduri, J

1. Heard.

2. The petitioner in person who is present submits that the pressure was created on him to give certain statement in particular way by the Anti

Corruption Bureau Chief though he did not volunteer for that. He further submits that during certain investigation few particular names were also

forcefully got written by him. He further submits that he is the officer in the Anti Corruption Bureau and the higher officials of the Anti Corruption

Bureau have created such atmosphere & pressure and different phone calls have also been received. He prays that he may be protected that he may

not be pressurized for giving particular statement in the way the higher officials want to their choice.

3. Shri Satich Chandra Verma, learned Additional Advocate General submits that the State has not exerted any pressure and they will abide by the

conduct & rules and will conduct fair investigation.

4. The kind of relief which has been prayed by the petitioner are too vague. It is one of the police officer complaining against his higher officials in

certain investigation. It is obvious that any statement during any investigation are always subject to judicial scrutiny when they are filed in a particular case during trial. Ultimately if State relies on them it would be subject to litmus test by courts. If the petitions of the like nature are entertained then it will open a flood gate in all cases whether civil or criminal and the Court would be sitting as a higher official or investigating officer over all the issues.

The prayer in the like are uncertain and are difficult to even appreciate. The Court cannot direct State to record any statement in particular way. If such course adopted then both executive function & judicial function will come in conflict and at this stage without any material on record only on bald statement of petitioner invoking the jurisdiction of Court would amount to transgressing the judicial self restraint. It is but expected that the State will not pressurize any citizen to give a statement in a particular way.

5. It is made clear that the observations made in this petition are general in nature which would not have any linking with the merits of the case and the State shall proceed with the investigation in a fair manner and the petitioner is also directed to co-operate in the investigation, if any contemplated.