

For Reference Express No./13517/2020 -- e-Court Fee No. CGCT1116F2023O364

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (Cr.) No.251 of 2020

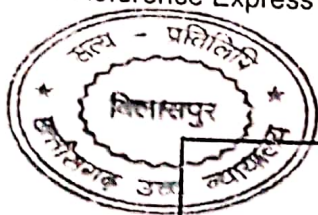
Dr. Sambit Patra Versus State of Chhattisgarh and others

SB

Hon'ble Shri Justice Sanjay K. Agrawal

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11/06/2020	<p>Proceedings of this matter have been conducted through video conferencing in the High Court premises at Bodri, Bilaspur.</p> <p>Mr. Ajay Barman, Senior Advocate with Mr. Awadhesh Singh, Mr. Ramakant Mishra and Mr. Sharad Mishra, Advocates for the petitioner.</p> <p>Mr. Sunil Otwani, Additional Advocate General for the State/ respondents No.1 to 3, 5 and 6, on advance copy.</p> <p>Heard on admission.</p> <p>Though the Office has listed the matter on default, but it appears that there is no default, the only default is age of the petitioner has not been mentioned.</p> <p>Mr. Sharad Mishra, learned counsel for the petitioner, undertakes to mention the age of the petitioner within seven days from today.</p> <p>Considering the urgency of the matter as expressed by learned Senior Counsel appearing for the petitioner, the matter is taken-up for hearing on admission.</p> <p>Mr. Ajay Barman, learned Senior Advocate appearing for the petitioner, would submit that the subject matter of FIR under Crime No.192/2020 is the registration of offence against the petitioner in Police Station Bhilai Nagar, Bhilai, Distt. Durg, under Sections 499, 500, 501 &amp; 505(1) of the IPC, whereas offence under Sections</p>





499, 500 & 501 of the IPC cannot be taken cognizance of on the basis of police report in view of the provision contained in Section 199(1) of the CrPC and complaint in writing has to be filed before the jurisdictional Magistrate, therefore, the FIR is prima facie barred and not sustainable in law. He would further submit that FIR under Crime No.200/2020 for offence punishable under Sections 153A, 298 & 505(2) of the IPC registered against the petitioner in Police Station Civil Lines, Raipur is not at all attracted and prima facie ingredients of the aforesaid offences are also not made out against the petitioner, which is apparent from a bare perusal of the FIR. Therefore, both the FIRs deserve to be quashed, in view of the decision of the Supreme Court in the matter of State of Haryana and others v. Bhajan Lal and others<sup>1</sup>. He would also submit that the petitioner was diagnosed earlier for Corona Virus and he is a patient of COVID-19, but he has now been discharged from hospital and he has been quarantined for 14 days. As such, if interim order is not granted in favour of the petitioner, the petitioner is likely to be arrested which will put him under serious health issue.

Mr. Sunil Otwani, learned Additional Advocate General appearing on behalf of the State / respondents No.1 to 3, 5 and 6, on advance copy, would submit that prima facie offences under Sections 153A, 298 & 505(2) of the IPC are made out against the petitioner and also clearly it is an offence of defamation that has been committed by the present petitioner and as such, offences have rightly been registered against him.

The petition being arguable is admitted for hearing.

Issue notice to the respondents.

Mr. Sunil Otwani, learned Additional Advocate General, accept notice on behalf of respondents No.1 to 3, 5 and 6. Six extra sets of the writ petition with annexures be served to the Office of the Advocate General within three days from today. He seeks and is granted four weeks time to file counter-affidavit.

1 1992 Supp (1) SCC 335

Issue notice to respondents No.4 and 7, returnable within four weeks.  
PF and copies within seven days.

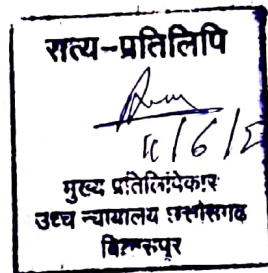
Also heard on the stay application I.A.No.1/2020.

Considering the submissions of learned counsel for the parties and further considering the contention of the petitioner that the petitioner is a patient of COVID-19 and has recently been discharged from hospital and is undergoing quarantine for 14 days, and in view of the provision contained in Section 199(1) of the CrPC, it would be expedient to direct that till the next date of hearing, no coercive steps shall be taken against the petitioner pursuant to FIR under Crime No.192/2020 registered against the petitioner in Police Station Bhilai Nagar, Bhilai, Distt. Durg, for offences punishable under Sections 499, 500, 501 & 505(1) of the IPC; and FIR under Crime No.200/2020 registered in Police Station Civil Lines, Raipur, for offence punishable under Sections 153A, 298 & 505(2) of the IPC. It is ordered accordingly.

List immediately after four weeks.

Certified copy as per rules.

Sd/-  
(Sanjay K. Agrawal)  
Judge





Express No./13517/2020 -- e-Court Fee No. CGCT1116F20230364

11/06/2020	(1) Application received on
12/06/2020	(2) Applicant told to appear on
11/6/2020	(3) Applicant appeared on
11/06/2020	(4) Application (With or without further or correct particulars) sent to record-room
---	(5) Application received from record-room with record or without record for further or correct particulars on
	(6) Applicant given notice for further or correct particulars on
	(7) Applicant given notice for further (under) on
	(8) Notice in column (6) or (7) complied with on
11/06/2020	(9) Copy ready on
11/6/2020	(10) Copy delivered or sent on
Rs 18	(11) Court-fee realised

Copyist

Comptroller  
11/6/20

Head Copyist

11/6/20