



CGHC010235712019



2026:CGHC:35533

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5410 of 2019

1 - Naval Kishore S/o Mahesh Ram Aged About 28 Years Occupation Police Constable No. 336,(Reserve Center Balrampur,) R/o Village Keradih, Police Station Narayanpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Home, Department, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2 - The Director General Of Police Police Headqaurter Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3 - The Inspector General Of Police Sarguja Range, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4 - The Superintendent Of Police Balrampur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
5 - The Enquiry Officer Cum Additional Superintend Of Police Balrampur, District Balrampur Chhattisgarh., District : Balrampur, Chhattisgarh
... **Respondent(s)**

For Petitioner(s) : Mr. Shakti Raj Sinha, Advocate

For Respondent(s) : Mr. Amit Buxy, Dy. G.A.

Hon'ble Shri Sanjay K. Agrawal, Judge

Order on Board

12.08.2026

1. The present writ petition has been preferred challenging the order dated 31.08.2009, whereby the petitioner was terminated from service, as well as the subsequent orders dated 15.12.2017 and 20.12.2018, whereby his departmental appeal and mercy petition were dismissed, respectively.
2. Facts of the case are that the petitioner was working as Police Constable No. 336 and was posted at Police Chowki Balangi, District Balram-

pur-Ramanujganj. A criminal case bearing Crime No. 68/2008 was registered against him under Section 376 of the IPC on the allegation of committing rape upon the prosecutrix. On the basis of the same allegations, a departmental inquiry was initiated against the petitioner for committing rape upon the prosecutrix and for remaining absent from the police chowki during roll call without prior permission. Both the charges were found proved and, consequently, the petitioner was terminated from service vide order dated 31.08.2009. His departmental appeal and mercy petition were subsequently dismissed vide orders dated 15.12.2017 and 20.12.2018, respectively. Meanwhile, the petitioner was acquitted of the criminal charge by the learned Additional Sessions Judge, Ramanujganj, vide judgment dated 29.07.2017 passed in Sessions Trial No. R-52/2016, wherein the Court found that the prosecution had failed to prove his guilt beyond reasonable doubt and that the prosecutrix had denied identifying the petitioner and had also denied the commission of rape. Thereafter, the petitioner submitted representations before the competent authorities seeking reinstatement in view of his acquittal, contending that the criminal case and departmental inquiry were based on the same incident and evidence. Hence this petition.

3. Learned counsel for the petitioner submits that the petitioner was terminated from service on the basis of the same allegations which formed the subject matter of the criminal case, but he was subsequently acquitted of the offence under Section 376 of the IPC vide judgment dated 29.07.2017, the said judgment was placed before the second appellate authority, but the same has not been considered in its proper

perspective. It is submitted that the second appellate authority was required to consider the effect of the acquittal in the light of Regulation 241 of the Police Regulations. Therefore, the impugned order may kindly be set aside and the matter be remitted to the competent appellate authority for reconsideration in accordance with Regulation 241 of the Police Regulations.

4. Learned State counsel, supporting the impugned orders, submits that the departmental inquiry was duly conducted in accordance with law and both the charges were found proved against the petitioner. Hence, the impugned orders call for no interference.
5. I have learned counsel for the parties and perused the records with utmost circumspection.
6. Admittedly, during the pendency of the appeal, the petitioner was acquitted by the competent Criminal Court of the offence under Section 376 of the IPC, and a copy of the judgment of acquittal was duly produced before the appellate authority. However, the appellate authority failed to consider the effect of the acquittal in the light of Regulation 241 of the Police Regulations.
7. **Regulation 241 of the Police Regulations provides as under:**

***“241. Cases of acquittal:** When a police officer has been tried and acquitted by a criminal Court, he must, as a rule, be reinstated. He may not be punished departmentally when the offence for which he was tried constitutes the sole ground of punishment. If, however, the acquittal, whether in the Court of original jurisdiction or of appeal, was based on technical grounds, or if the facts established at the trial show that his retention in Government service is undesirable, the Superintendent*

may take departmental cognizance of his conduct, after obtaining the sanction of the Inspector-General."

8. In view of Regulation 241 of the Police Regulations, the impugned orders dated (Annexure P/2) **15.12.2017** and (Annexure P/3) **20.12.2018** are hereby set aside. The appellate authority/Inspector General of Police (IGP) is directed to reconsider and decide the appeal preferred by the petitioner in the light of Regulation 241 of the Police Regulations, by passing a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order.
9. Accordingly, the present writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge