

2025 LiveLaw (SC) 328

IN THE SUPREME COURT OF INDIA

AHSANUDDIN AMANULLAH; J., PRASHANT KUMAR MISHRA; J.

Petition(s) for Special Leave to Appeal (Crl.) No(s).3649/2025; 17-03-2025

GOPAL PRADHAN *versus* STATE OF CHHATTISGARH & ORS.

Criminal Procedure - If a court intends to add a person as an accused, it cannot direct the police to include their name in the charge sheet. Instead, the court may issue a summons to the proposed accused if sufficient grounds exist, even if they are not named in the charge sheet. (Para 3)

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

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

ORDER

The petitioner is aggrieved by the impugned order passed by the 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.

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