



2026:CGHC:9455-DB

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 2990 of 2025**

Akash Das S/o Late Mahavir Das Aged About 23 Years R/o Khursipar,  
Zone- 2, Q. No. 3 D Bhilai, Police Station Khursipar, District : Durg,  
Chhattisgarh

**... Petitioner****versus**

State of Chhattisgarh Through Station House Officer, Police Station  
Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh

**... Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Tarendra Kumar Jha, Advocate
For State/Respondent	:	Mr. Nitansh Jaiswal, Deputy Government Advocate

**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board****Per Ramesh Sinha, Chief Justice****24.02.2026**

1. Heard Mr. Tarendra Kumar Jha, learned counsel for the petitioner as well as Mr. Nitansh Jaiswal, learned Deputy Government Advocate, appearing for the State/respondent.
2. The petitioner has filed the instant petition with the following reliefs :-

*“1. It is therefore prayed that, this Hon'ble Court may kindly be pleased to allow this CRMP and quash FIR no. 22/2024 dated 16.01.2024 and entire charge sheet and order of taking cognizance and entire criminal proceedings in which offences are registered under section 201 of IPS and section 7(1), 8 of The Chhattisgarh Gambling (Prohibition) Act 2022. (ANNEXURE P/1) (COLLY) in the interest of justice.*

*2. It is therefore prayed that, this Hon'ble Court may kindly be pleased to allow this CRMP To quash the entire criminal proceeding and order taking cognizance dated 18.06.2024 in RCC/552/2024 ANNEXURE P/2 (COLLY) pending before the court of learned Judicial Magistrate First Class Baikunthpur, District (C.G.) in the interest of justice.”*

3. Brief facts of the case, in a nutshell, are that on 15.01.2024 at about 21:30 hours, a secret information was received by the police through an informer that one Dinesh Singh, resident of Village Belbahara Bajapara, Police Station Manendragarh, was facilitating gambling and betting activities by opening bank accounts in Axis Bank, Baikunthpur and providing cheque books and ATM cards to other persons for illegal transactions. It was further informed that his mobile number is 9302763961.
4. Acting upon the said information, the suspect Dinesh Singh was summoned to the Police Station through mobile phone. Upon his arrival, he disclosed that Santosh Kumar Yadav, resident of

Village Salka, Police Station Podi, was the main person who required bank accounts for gambling and betting purposes. He further stated that at the instance of Santosh Yadav, he had opened bank accounts in Axis Bank, Baikunthpur, including Account No. 923010004556439 and subsequently Account No. 923010004556856 during the period between August and September 2023. He allegedly handed over the cheque books and ATM cards of the said accounts to Santosh Yadav, who had assured payment of ₹5,000/- for the same. It was also disclosed that the accounts were intended to be used for one Ashish Reddy, resident of Bhilai. Dinesh Singh provided a photocopy of his bank account statement of Axis Bank, Baikunthpur Branch, and stated that he had no knowledge regarding the transactions carried out in the said accounts. On the basis of the said disclosure, an FIR came to be registered against eight accused persons for their alleged involvement in illegal gambling and betting activities.

5. During the course of investigation, the name of the present petitioner surfaced only in the memorandum statement of a co-accused person. Except for the said memorandum statement, there is no direct evidence linking the present petitioner with the alleged offence. The present petitioner has no previous criminal antecedents and no other criminal case is registered against him.
6. Learned counsel for the petitioner submits that the impugned action of the respondent authorities in registering the aforesaid

FIR and arraying the petitioner as an accused is wholly illegal, arbitrary and contrary to the facts and circumstances of the case. It is contended that the FIR was initially registered against co-accused Dinesh Singh and during the course of investigation, the name of the petitioner surfaced only on the basis of memorandum statements of other co-accused persons and mere suspicion. There is no independent or cogent material available on record to connect the petitioner with the alleged offence, and the entire action of the respondent police is actuated with mala fide intention.

7. It is further submitted by learned counsel for the petitioner that nothing has been seized from the possession of the petitioner. Even in the so-called memorandum statement of the petitioner, neither the proper memorandum witnesses have been mentioned nor have their signatures been duly obtained, and the place of recording such memorandum has also not been specified. He submits that the same witnesses, namely Krishna Pal and Rohit Gupta, residents of Baikunthpur, District Koriya (C.G.), have been shown as memorandum and seizure witnesses in respect of different accused persons and at different places, including Baikunthpur (District Koriya), Padmanabhpur (District Durg) and Colours Mall, Raipur (District Raipur), which creates serious doubt regarding the genuineness of the proceedings conducted by the respondent police.

- 8.** It is also submitted by learned counsel for the petitioner that in the entire charge-sheet filed by the respondent police, there is no substantive material against the petitioner. No incriminating transaction has been reflected in the bank statement of the petitioner in relation to the alleged offence. The implication of the petitioner is solely based upon memorandum statements, which by themselves have no evidentiary value unless duly corroborated. Learned counsel, therefore, submits that the petitioner has been falsely implicated in the present case and has no connection whatsoever with the alleged crime.
- 9.** Considering the seriousness of the matter, this Court had directed the concerned Superintendent of Police to file his personal affidavit and in compliance with the order dated 16.10.2025, the Superintendent of Police filed his personal affidavit. However, upon perusal of the same, it is apparent that no incriminating material has been placed on record against the petitioner, except the memorandum statement. In view thereof, this Court, vide order dated 03.02.2026, again directed the concerned Superintendent of Police to file a further personal affidavit clarifying the position.
- 10.** Further, in compliance with the order dated 03.02.2026, the Superintendent of Police, Baikunthpur, District Korea (C.G.) has filed his additional affidavit, relevant portion of which, reads as follows:-

*“2. That, earlier on 25.09.2025, the Hon'ble Court, was pleased to direct the Superintendent of Police, Baikunthpur, District Korea to file his personal affidavit Waue specifying what evidence, if any, exists against the petitioner apart from his memorandum statement and the recovery of the mobile phone. In compliance whereof, the Deponent has duly filed his affidavit explaining the evidence collected during the course of investigation against the present accused applicant before the Hon'ble Court for its kind consideration.*

*3. That, the subject case again came up for hearing before the Hon'ble Court on 03.02.2026 and after hearing of this matter, the Hon'ble Court has been pleased to direct the concerned Superintendent of Police to file his personal affidavit in the matter again. Therefore, in compliance whereof, the instant additional affidavit is being filed before this Hon'ble Court for its kind perusal and consideration.*

*4. That, in compliance of the Hon'ble Court's order, it is most humbly and respectfully submitted that, on 15.01.2024, a secret information was received through informer that, one accused Dinesh Singh is providing facilities to gamblers by providing cheque book and ATM by opening an account in Axis Bank of Baikunthpur Branch whose mobile number is 9302763961 on which, the Dinesh Singh was summoned to the Police Station through mobile and when the arrived at Police Station, he told*

*that, Santosh Kumar Yadav is the main person who wanted a bank account for gambling and betting. Later on, he wanted a bank account for one Ashish Reddy, who is resident of Bhilai and Santosh said that, he would get Rs. 5000 as he gives his ATM and Cheque Book and later on, he first opened bank account number 923010004556439 in Manendragarh Axis Bank and a few days later, between August and September, 2023, Dinesh Singh opened a bank account in Axis Bank, Baikunthpur, whose number is 923010004556856. The Dinesh told that, he had given the cheque book and ATM of both the accounts to Santosh Yadav, therefore, the Dinesh Singh provided a photocopy of the statement of his Axis Bank Branch at Baikunthpur account in which, he said that, he had no information regarding the transactions in the said account. The accused Dinesh Singh had opened his own bank account in Axis Bank at Baikunthpur and had given the cheque book and ATM to Santosh Yadav for gambling/betting.*

*5. That, on the basis of the above, the aforesaid crime has been registered and the matter has been taken into investigation. During investigation, the statements of the relevant witnesses have duly been recorded. The witness Krishna Paul and Rohit Gupta have categorically stated in their statements that, the present accused applicant Akash Das confessed before them and gave memorandum statement that, he had been working in Mahadev App since last one year for which, he gets link from Dubai for which,*

*he is operating Panel Numbers. 239, 408 and 413 and through this medium, he gives the work of online gambling to his sub ordinates Amit Mishra and others on commission. After which, he gave his Samsung Company Mobile which had all the information to the Police on which, the Police seized the mobile from him and took action. It is submitted that, memorandum statement of the Akash Das was recorded before the aforesaid witnesses and accordingly, his mobile was seized, however, the mobile data could not be recovered for its was deleted by the accused applicant.*

*6. That, the Deponent herein is duty bound to adhere and comply with the direction issued by this Hon'ble Court from time to time and it shall be his most sincere endeavour to ensure implement action with the coordination of the Police Officials as early as possible.*

*7 That, the Deponent has highest regards to the orders & directions passed by the Hon'ble Court from time to time and as & when, any further direction be made by Hon'ble Court, the same will be complied with in its true spirit."*

- 11.** From perusal of the additional affidavit filed by the Superintendent of Police, Baikunthpur, District Korea (C.G.), it transpires that except reiterating the contents of the earlier affidavit and narrating the manner in which the FIR came to be registered against co-accused Dinesh Singh, no new or independent incriminating material has been brought on record against the petitioner.

- 12.** The additional affidavit mainly relies upon the alleged memorandum statement of the petitioner recorded in presence of witnesses Krishna Paul and Rohit Gupta and the seizure of a Samsung mobile phone from him. However, it is also admitted therein that the data from the seized mobile phone could not be recovered, as the same was allegedly deleted, and thus no electronic or documentary evidence has been produced to substantiate the alleged involvement of the petitioner.
- 13.** Therefore, from the contents of the additional affidavit, it is evident that apart from the memorandum statement and the alleged seizure of a mobile phone without any recoverable data, there is no substantive material collected during investigation which directly connects the petitioner with the commission of the alleged offence.
- 14.** Having bestowed anxious consideration to the rival submissions advanced by learned counsel for the parties and on a careful scrutiny of the entire record, this Court is of the considered opinion that the continuation of criminal proceedings against the present petitioner would be wholly unjustified and legally unsustainable.
- 15.** The foundation of the prosecution case against the petitioner rests primarily upon the memorandum statement allegedly recorded during investigation and the statements of co-accused persons. It is trite law that a memorandum statement is admissible only to the

limited extent contemplated under Section 27 of the Indian Evidence Act, i.e., insofar as it leads to discovery of a new fact. In the present case, though a mobile phone is stated to have been seized, the affidavit of the Superintendent of Police clearly admits that no data could be retrieved from the said device as it was allegedly deleted. Thus, the alleged seizure does not result in discovery of any incriminating fact or material so as to substantiate the accusations levelled against the petitioner.

- 16.** Further, no documentary evidence, electronic record, bank transaction, financial trail or any independent witness statement has been placed on record to prima facie establish the involvement of the petitioner in the alleged gambling activities. The bank accounts referred to in the FIR pertain to co-accused persons and no incriminating transaction has been demonstrated from the account of the petitioner. Even after repeated directions issued by this Court requiring the Superintendent of Police to file personal affidavits specifying the evidence available against the petitioner apart from the memorandum statement, no additional substantive material has been brought forth. The additional affidavit merely reiterates the prosecution story without disclosing legally admissible evidence connecting the petitioner with the commission of the alleged offences.
- 17.** It is well settled that criminal law cannot be set into motion or allowed to continue on the basis of conjectures, suspicion, or

uncorroborated memorandum statements. The inherent powers of this Court under Section 482 of the CrPC / Section 528 of BNSS are meant to prevent abuse of the process of any Court and to secure the ends of justice. In the facts of the present case, even if the entire allegations contained in the charge-sheet are taken at their face value, the essential ingredients of the offences punishable under Section 201 IPC and Sections 7(1) and 8 of the Chhattisgarh Gambling (Prohibition) Act, 2022 are not made out against the petitioner.

- 18.** Permitting the criminal proceedings to continue in the absence of any cogent and admissible material would amount to harassment of the petitioner and misuse of the judicial process. The petitioner has no criminal antecedents and his implication appears to be founded solely on statements recorded during investigation without independent corroboration. Therefore, to secure the ends of justice and to prevent abuse of the process of law, this Court deems it appropriate to exercise its inherent jurisdiction.
- 19.** At this stage, upon an anxious consideration of the additional affidavit filed by the Superintendent of Police, Baikunthpur, District Korea (C.G.), as well as the entire material placed before this Court, it prima facie appears that except for the memorandum statements and the alleged seizure of a mobile phone from the petitioner, whose data admittedly could not be retrieved, no cogent, independent or legally admissible material has been

brought on record so as to conclusively demonstrate the involvement of the present petitioner in the alleged offences. The additional affidavit, despite specific directions issued by this Court, does not disclose any fresh incriminating circumstance, financial trail, electronic record, or recovery leading to discovery of any new fact attributable to the petitioner.

- 20.** However, considering the nature of the allegations and the stage at which the matter presently stands, this Court is of the opinion that instead of finally terminating the prosecution insofar as the petitioner is concerned, the ends of justice would be adequately served by disposing of the present petition with appropriate safeguards. It cannot be ruled out that during the course of trial, if conducted against the other accused persons, any cogent, clinching and legally admissible evidence may come on record revealing the direct involvement of the petitioner in the commission of the alleged offences.
- 21.** Accordingly, while refraining from quashing the proceedings at this juncture, it is observed that in the absence of substantive incriminating material presently available, no coercive steps shall be taken against the petitioner solely on the basis of the existing material.
- 22.** Nevertheless, it shall remain open to the prosecuting agency to proceed against the petitioner in accordance with law, subject to orders of the competent Court, if during the course of trial any

reliable and admissible evidence surfaces establishing his involvement in the alleged crime.

- 23.** With the aforesaid observations and liberty, the instant petition stands **disposed of**. Pending application(s), if any, also stand disposed of.

**Sd/-**  
**(Ravindra Kumar Agrawal)**  
**Judge**

**Sd/-**  
**(Ramesh Sinha)**  
**Chief Justice**

Anu