

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5939 of 2022

Applicant :- Ramrekha Chauhan

Opposite Party :- Shambhu Nath Singh, Investigating Officer

Counsel for Applicant :- Devendra Kumar Singh

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant and learned Standing Counsel for the State.

The writ Court while disposing of Criminal Misc. Writ Petition No. 1088 of 2022 on 04.05.2022 passed the following order:-

"Heard learned counsel for the petitioner and learned AGA for the State.

This writ petition has been filed with the grievance that fair and proper investigation is not being carried out pursuant to first information report dated 22.8.2021, registered in Case Crime No.256 of 2021, under Sections 302, 201 IPC, Police Station Pipraich, District Gorakhpur. Grievance is that investigation is sluggish and no efforts are being made to conclude the investigation.

Taking note of such contention, this Court had called upon the Investigating Officer to explain the steps taken by him in the matter.

Sri Madhuk Nath Mishra, Investigating Officer, is present today in Court, who states that dead body of the child was found seven days after he had returned from Delhi and FIR is against unknown persons. It is stated that all efforts are being made to apprehend the culprits but no leads are available with the investigation as of now nor the petitioner has disclosed any name of likely culprit in the matter.

Learned AGA, on the basis of instructions received from the Investigating Officer, states that all endeavours would be made to conclude the investigation in a fair manner, expeditiously. Although counsel for the petitioner states that name of persons on whom petitioner has suspicion is disclosed to the Investigating Officer but his statement is specifically denied. No contra material in that regard has been placed on behalf of petitioner. We are, therefore, of the view that no specific direction in the present writ petition is called for so as to transfer the investigation to any other agency, as is prayed in the writ petition.

In the facts of the case we permit the petitioner to furnish all details, which may have a bearing on the commissioning of the offence to the Investigating Officer, alongwith a certified copy of this order, within two weeks from today.

The Investigating Officer shall make all endeavours to conduct the investigation in a fair and proper manner and conclude it, expeditiously, preferably within a further period of four months, thereafter.

With the above observations/directions, this writ petition stands disposed off."

From perusal of the order, it is clear that the Court had directed for fair investigation in the matter and a compliance affidavit has been filed by the State wherein it has been stated that despite best efforts having been made by investigating agency and notices having been sent to applicant as well as to his relatives, they have not responded to the request of investigating officer and notices were served on 02.10.2023 and thereafter on 06.10.2023 and after investigation a final report has been submitted on 10.10.2023, copy of which has been brought on record as Annexure-5 to compliance affidavit.

A counter affidavit/objection has been filed to the compliance affidavit filed by State wherein para nos. 9, 10 and 11 of compliance affidavit has not been denied and it has been stated that said paragraphs of compliance affidavit need no comment and they are matter of record.

Once the applicant himself has admitted that the notice was served upon him and has not cooperated with the Investigating Officer nor presented himself before him, the final report submitted by police needs no interference by this Court.

As the order of writ Court was only to the extent to conclude the fair investigation which the Investigating Officer has done, the contempt application is rendered infructuous and stands dismissed.

Order Date :- 16.11.2023

V.S.Singh