

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16087 of 2023

Petitioner :- Kanhaiya Lal

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ram Raj Pandey, Shubham Pandey

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Shiv Shanker Prasad, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State respondents.

The contention of the learned counsel for the petitioner is that the petitioner is an accused in Case Crime No.168 of 2022 under Section 21/22 of the N.D.P.S. Act, Police Station Salempur, District Bulandshahr. The writ petition seeks the following relief:-

"(i) Issue a writ order or direction in the nature of mandamus commanding and directing to the Senior Superintendent of Police Bulandshahr/respondent No.2 to collect the call details reports dated 25.08.2022 to 31.08.2022 & provide to the petitioner.

(ii) Issue a writ order or direction in the nature of mandamus commanding and directing to Senior Superintendent of Police Bulandshahr/Respondent no.2 to kept the Call details reports of the petitioner and make a part of Case Diary in case crime No.0168 of 2022, Under Section 21/22 N.D.P.S. Act, Police Station Salempur, District Bulandshahr."

In effect the relief prayed for in the writ petition amounts to issuing a mandamus to the police authorities to collect evidence in favour of the accused.

In our considered opinion, such a direction would amount to directing the police to investigate the offence in a particular manner at the instance of the accused which cannot be done. An accused cannot seek directions as to the manner in which the investigation is to be conducted against him.

Under the circumstances, the writ petition is misconceived and dismissed.

Order Date :- 12.10.2023

Himanshu