

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.436 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- SITAMARHI

Awadhesh Kumar Singh, S/o Late Yugal Kishore Singh, resident of Village-Pandol Buzurg, Tola Medinipur, Police Station-Nanpur, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Dept. of Food and Consumer Protection, Govt. of Bihar, New Secretariat Patna.
2. The Commissioner, Tirhut Commissionery, Muzaffarpur.
3. The District Magistrate, Sitamarhi.
4. The Block Supply Officer, Nanpur, Sitamarhi.
5. The D.I.G., Tirhut Range, Muzaffarpur.
6. The S.P. Sitamarhi.
7. The Officer- in- charge, Nanpur, Police Station, Sitamarhi.
8. The Investigating Officer, Nanpur, P.S Case no. 224 of 2010 Nanpur, Police Station, Sitamarhi.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Respondent/s : Mrs. N. Agrawal, GA-6

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-02-2015

The petitioner has been made accused in Nanpur P.S.

Case No. 224 of 2010 registered on 27th December, 2010 under

Section 7 of the Essential Commodities Act.

In the instant application under Articles 226 and 227 of

the Constitution of India, the petitioner has prayed for quashing of the first information report of the aforesaid police case. In the alternative, a prayer has been made to direct the respondents to conclude the investigation and submit police report in terms of Section 173(2) of the Code of Criminal Procedure.

At the outset, learned counsel for the petitioner has submitted that he is not pressing the first part of his prayer made in para 1 of the petition. However, he has submitted that the investigating agency is not carrying out investigation of the case in a fair and impartial manner. They are sitting tight over the matter and despite lapse of over four years, the police has failed to submit report under Section 173(2) of the Code of Criminal Procedure in the Court.

Having regard to the submissions made by learned counsel for the petitioner, I am of the view that though to hold investigation into a cognizable offence is the statutory right of a police, but the police cannot prolong investigation of a case for an indefinite period. They cannot sit tight over the matter. A prompt and sensitive investigation agency is indispensable to the interest of justice. A person cannot be kept under threat of prosecution for an indefinite period.

In that view of the matter, I direct the Superintendent of

Police, Sitamarhi to personally look into the matter and if no police report has been submitted in the case till date, he shall ensure an early conclusion of investigation. It would be open for investigation agency to submit such report as it deems fit and proper in the facts and circumstances of the case on the basis of outcome of investigation.

With these observations, the application is disposed of.

(Ashwani Kumar Singh, J.)

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