

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.103 of 2014

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Shatrughan Rai son of Late Sukhdeo Rai, Resident of Village- Chandpur
Dhamaun, P.S.- Patori, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police Samastipur
4. The Sub- Divisional Police Officer, Patori, District- Samastipur
5. The Officer - in – Charge, Patori, P.S.- Patori, District- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj, Advocate
For the Respondent/s : Mr. Uma Shankar, G.P.4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 18-02-2015 The petitioner is informant of Patori P.S. Case No.270 of 2013 registered for the offence punishable under section 302 read with 34 of the Indian Penal Code. In this application filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner is to direct the respondent to conclude the investigation of the aforesaid police case which was registered on 24.8.2013.

Learned counsel for the petitioner has submitted that due to inaction of the police, the accused persons are roaming free. The investigating officer of the case is in collusion with the

accused persons and deliberately the investigation is not being concluded.

On the other hand, learned counsel for the State has submitted that there is no deliberate delay on the part of the investigating agency. In course of investigation, it has been found that son of the petitioner died due to accident caused by electric shock. He has submitted that the matter is at the fag end of the investigation and supervision of the case has also been done by the Superintendent of Police.

Be that as it may, to hold investigation into a cognizable offence is statutory right of the police. However, the investigating agency is not expected to sit tight over the matter. A committed and sensitive investigating agency is indispensable to the criminal justice system.

Regard being had to the undue delay caused in conclusion of investigation, I direct the Superintendent of Police, Samastipur to personally look into the matter and ensure that a report under section 173(2) of the Code of Criminal Procedure is filed before the Magistrate concerned as early as possible preferably within three months from the date of receipt/production of a copy of this order.

It is made clear that it would be open to the

investigating agency to submit such report as it deem fit and proper depending on the outcome of the investigation.

With these directions and observations, the application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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