

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.276 of 2014

Arising Out of PS.Case No. -193 Year- 2010 Thana –Kadamkuan District- PATNA

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1. Matadin Agarwal Son of Late Satya Narayan Agarwal Resident of Station Road,
Supaul, P.S. District Supaul

.... Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Bihar, Patna
2. The Inspector General of Police, Patna Zone, Patna
3. The Deputy Inspector General of Police, Central Range, Patna
4. The Senior Superintendent of Police, Patna
5. The Dy. Superintendent of Police (Town), Patna
6. The Officer-In-Charge, Kadam Kuan, P.S. Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Adv.

For the Respondent/s : Mr. A.C. to GP-15

Mr. Yogesh Chandra Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 26-02-2015

In this application filed under Articles 226 and 227 of the Constitution of India, the petitioner, who is informant of Kadamkuan P.S.Case No. 193 of 2010 registered under section 304-B read with 34 of the Indian Penal Code, seeks a mandamus to be issued upon the respondents to investigate the case properly, effectively and promptly.

The F.I.R. in question relates to a serious case of dowry death, which was instituted on 12th June, 2010. Till date, the matter is under investigation.

In the counter affidavit filed on behalf of the Senior Superintendent of Police, Patna, it has been stated that the

investigating agency is likely to conclude the investigation within a short period of time and charge sheet shall be submitted against the accused persons.

In my considered opinion, a sensitive and committed investigating agency is indispensable to the criminal justice system. It is true that to hold investigation into a cognizable offence is the statutory right of the police and at the stage of investigation the Court has no role to play. However, the investigating agency cannot sit tight over the matter of investigation for an indefinite period. It must promptly take all necessary steps, conclude the investigation and submit its report to the Magistrate concerned.

In view of the averments made in the counter affidavit, I dispose of this application with a direction to the Senior Superintendent of Police, Patna to personally look into the matter and ensure that the investigation is concluded without any undue delay, preferably within two months from the date of receipt/production of a copy of the order.

The Registry is directed to send a copy of the order to the Senior Superintendent of Police, Patna through Fax.

(Ashwani Kumar Singh, J)

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