

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1168 of 2014

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Usha Devi W/O Late Ramjanam Chauhan Resident of Village -Chattar Pur,
P.S-Noorsharai,District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, Bihar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Rural S.P.Patna
6. The D.S.P.Danapur,Patna
7. The Station House Officer, Bihta Police Station, Bihta,Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

3 27-07-2015

Heard learned counsel for the parties.

The present application has been filed for a direction to the respondents to arrest the accused of Bihta P.S. Case No. 324 of 2014 dated 19.05.2014.

Pursuant to order dated 21.07.2015 the Senior Superintendent of Police, Patna and the Director of the Forensic

Science Laboratory, Bihar Patna are present and have also filed their show cause.

The Senior Superintendent of Police, Patna has tendered unqualified and unconditional apology in view of earlier observations made by the Court in its last order. He has also stated the following at paragraph 8:

“8. That the deponent has taken this matter seriously subsequently issued an order to all Superintendent of Police/Sub Divisional Officer's/Deputy Superintendent of Police/Circle Inspectors/Station House Officers with instructions to take stern action under Code of Criminal Procedure against such person who is not supplying the examination report which obstructs in the due and proper investigation of any case.”

He has further assured the Court that in the present case forensic report having been received, the police shall conclude the investigation within one month and submit final report before the court below.

In the aforesaid background, accepting the show cause of the Senior Superintendent of Police, Patna, the Court does not propose to proceed any further against him. The Court expects that the stand taken before this Court with regard to

instructions having been issued by him relating to obtaining forensic report and proper investigation of cases shall be implemented with due diligence and that in the present case investigation shall be completed within one month.

In the show cause filed by the Director of the Forensic Science Laboratory, Bihar Patna he has also tendered unqualified and unconditional apology. He has further submitted that due to shifting of the laboratory, matters are pending and further the space which he has got as a temporary measure is not enough for speedy conduct of tests. He states that all reporting shall be completed within six months and in the preset case, the report has been sent. It appears that the original report has also been sent to the Court in a sealed cover. The same should not be done as it is meant for the authority concerned. Accordingly, let it be returned to the learned State Counsel for onward transmission to the concerned authority for being used in the substantive case. Only copy of the report is required to be placed before the Court either in a sealed cover or by way of an affidavit, unless specifically directed otherwise by the Court. The Court also feels that if the requirement of the Director for more space is justified, the authority concerned would consider the same and accommodate him by providing more space so that investigations

are completed in accordance with law in a scientific and effective manner.

Learned counsel for the State shall convey the observations of the Court to the concerned officials so that they are able to mitigate the situation faced by the Director by providing extra space.

The Court accepts the show cause on his behalf and does not propose to proceed against him in the matter any further.

Since the Court has been assured by the Senior Superintendent of Police, Patna that the investigation would be completed within one month, the writ petition is not required to be kept pending and accordingly, the same stands disposed off.

(Ahsanuddin Amanullah, J)

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