

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1124 of 2013

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1. Vishwanath Singh, Son Of Ram Tokari Singh, Resident Of Salha, Police Station - Garakha, District - Saran

.... Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Bihar, Patna
2. The Deputy Inspector General of Police, Saran Division, Saran
3. The Superintendent of Police, Saran
4. The Superintendent of Police, Rohtas
5. The Deputy Superintendent of Police, Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Pramod Kumar Sinha, A.C. to AAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 24-03-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is informant of Bhagwan Bazar P.S.Case No. 177 of 2005 dated 17th September, 2005. On conclusion of investigation, the police submitted charge sheet in the case. In course of trial, several independent witnesses were examined. The main grievance of the petitioner in this application is that despite repeated orders passed by the trial court, the Investigating Officer of the case was not appearing before the court for adducing evidence.

A supplementary counter affidavit has been filed on behalf of respondent no.3, the Superintendent of Police, Saran. It has been contended in paragraph 4 of the supplementary counter

affidavit that after getting knowledge about the case, the Superintendent of Police, Saran sent his D.O. Letter No. 05 dated 12.01.2015 to the Investigating Officer of the case with a copy of the same to the Senior Superintendent of Police, Patna, directing him to appear before the court of learned Additional District & Sessions Judge X, Chapra on 10.02.2015 for his evidence in Sessions Trial No.158 of 2009 arising out of Bhagwan Bazar P.S.Case No.177 of 2005.

Today when the matter has been taken up, learned counsel for the State has informed that on 9th March, 2015 the Investigating Officer of the case has already been examined, cross-examined and discharged by the court below.

Regard being had to the statement made by the learned counsel for the State, the application is disposed of as infructuous as grievance of the petitioner has already been redressed.

(Ashwani Kumar Singh, J)

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