

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.175 of 2014

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

Surendra Thakur Son of Late Mishri Thakur, Jail Clerk, Central Jail, Purnea, P.O.-
P.S. and Dist.-Purnea

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The I.G. Prisoner, Bihar, Patna
4. The Police D.I.G., Tirhut Division, Muzaffarpur
5. The Superintendent of Police, Vaishali at Hajipur
6. The Jail Superintendent, Mrs. Illa Issar, Hajipur District Jail, Vaishali
7. The Sub-Divisional Police Officer, Hajipur, Vaishali
8. The Incharge Jailor, Sri Uday Narain Singh, Hajipur District Jail, Vaishali
9. The Enquiry Officer, Sri P.N. Singh, Superintendent, Central Jail, Gaya
10. The Officer-in-Charge, Hajipur Sadar Police Station, Vaishali.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Respondent/s : Mr. Sanjay Kumar, AC to GA-6

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-01-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been made accused in Hajipur Sadar
P. S. Case No. 331 of 2012 dated 1.11.2012 registered for the
offences punishable under Sections 420, 468, 471, 223, 224 and
120B of the Indian Penal Code.

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents so that they may submit a final report holding the petitioner to be innocent in the aforesaid case.

Learned counsel for the petitioner has submitted that the petitioner has been implicated in the case with ulterior motive.

Be that as it may, at the stage of investigation the Court has no role to play. To hold investigation into a cognizable offence is the statutory duty of police. No mandamus can be issued to the investigating agency by the Court to submit a report under Section 173 of the Code of Criminal Procedure in a particular manner.

The application is not only frivolous but misconceived too.

For the reasons assigned hereinabove, I find no substance in the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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