

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.88 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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Renu Kumari daughter of Badri Patel resident of village- Khaira Tola, P.S. -
Nautan, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The Deputy Inspector General of Police, Champaran Range, Bettiah.
5. The Superintendent of Police, West Champaran Bettiah.
6. The Sub-Divisional Police Officer, Bettiah, West Champaran.
7. The Officer-in-charge, Nautan P.S, West Champaran.
8. Satish Sharma son of Bipin Sharma.
9. Bipin Sharma son of Bhikhari Sharma
10. Lallan Sharma son of Bhikhari Sharma
11. Rajdeep Sharma son of Dhrup Sharma
12. Shambhu Sharma son of Vishnu Sharma
13. Japan Sharma son of Vishnu Sharma
14. Ali Mian Son of Late Hadish Mian
15. Rajeshwar Sharma son of Sudarshan Sharma
16. Uma Shankar Chaudhary son of Late Salik chaudhary

All respondents of village- Khaira Tola, P.S.- Nautan , District- West
Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Respondent/s : Ms. Kumari Amrita, G.P.-10.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 14-09-2015

Heard learned counsel for the petitioner and learned counsel

for the State.

2. By way of the present writ petition, the petitioner seeks a direction to be issued to the respondent nos. 2 to 7 to take action against respondent nos. 8 to 16 for not conducting the investigation in a prompt, fair and impartial manner.

3. Despite, four weeks time given to the State in order to seek instructions and file counter affidavit in the matter vide order dated 11.8.2015, the State has failed to file counter affidavit. Learned counsel for the State submits that though he has communicated the order passed by this Court to the respondents, no instruction has been sent to him till date.

4. The petitioner is the informant of aforesaid Nautan P. S. Case No. 53 of 2014 registered under Sections 341, 323, 379, 354 A, 504, 506/34 of the Indian Penal Code. The grievance of the petitioner is that despite there being a substantial police case, no action is being taken against the accused persons named in the FIR and the Investigating Officer of the case is sitting tight over the matter for over eighteen months.

5. Be that as it may, to hold investigation into a cognizable offence is the statutory right of the police. At the stage of investigation the Court has no role to play. However, the investigating agency cannot sit tight over the matter for an indefinite period. A

sensitive and committed investigating agency is a must for criminal justice system. A delay, whether deliberate or unintentional, may cause great damage to the outcome of the investigation of a criminal case.

6. Keeping in mind the inordinate delay caused in investigating the case, I direct respondent no. 5, the Superintendent of Police, West Champaran, Bettiah to personally look into the matter so that investigation of the case is completed within three months from the date of receipt of a copy of the order and a report under Section 173 (2) of the Code of Criminal Procedure is submitted to the Court of Magistrate.

7. With the aforesaid observation and direction, the writ application is disposed of.

8. Registry is directed to transmit a copy of this order to the Superintendent of Police, West Champaran, Bettiah through Fax.

(Ashwani Kumar Singh, J.)

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