

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1181 of 2013

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Diwakar Yadav son of Sri Sargun Prasad Yadav, Advocate Patna High Court, Resident of Mohalla - 306/400, Rajbanshi Nagar, Police Station - Shashtri Nagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Home Commissioner, Government of Bihar, Patna
3. The Director General of Police-cum-Inspector General of Police, Bihar, Patna
4. The Inspector General of Police (Administration), Patna
5. The Deputy Inspector General of Police, Patna Range, Patna
6. The Senior Superintendent of Police, Patna, District - Patna
7. The Deputy Superintendent of Police, Kotwali, Patna
8. Sri Aman Kumar Son of not known, presently posted as the Station House Officer, Police Station - Kotwali, Patna
9. Ritesh Kumar son of not known, presently posted as S.I. of Police-cum-Investigating Officer of Kotwali Police Case No.670 Of 2013, Patna
10. The Union of India, through Additional Secretary, Finance Department, Government of India, New Delhi
11. The Income Tax Officer Ward 1 (1) Loknayak Jaiprakash Bhavan, P.S. Kotwali, Patna
12. Sri Sushil Kumar son of Sri Indradaman Sinha at present posted as I.T.O. Ward 1 (1), Loknayak Jaiprakash Bhavan, Police Station - Kotwali, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-11
For the Union of India : Anshuman Singh, C.G.C., U.O.I.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-01-2015 The prayer of the petitioner in the present writ petition filed under Articles 226 and 227 of the Constitution of India in paragraph-1 is as under:-

“1. That, petitioner seeks indulgence on this Hon’ble Court for following reliefs:-

I. For issuance of an appropriate writ/order/direction to respondent no.2 to 9 to

investigate the Kowali Police Station Case No.670 of 2013 dated 13.11.2013 in proper manner without any prejudice as the accused respondent no.12 is holding high post in the office of the Government of India.

II. For issuance of an appropriate writ/order/direction to the Investigating Officer (Respondent no.9) to add offence under section 13 of the Prevention of Corruption Act as per the statement of the written report of the petitioner and to investigate the case accordingly.

III. For issuance of an appropriate writ/order/direction to the respondent no.2 to 9 to take proper action against respondent no.11 for his appearance before the Learned C.J.M., Patna by way of his appearance before the learned C.J.M., Patna by way of arrest as he evading from the appearance before the court by managing the local officer of the police.

IV. For issuance of appropriate writ/order/direction to respondent no.2 to 7 to take proper legal action against respondent no.8 and 9 who registered Kotwali Police Station Case No.681 of 2013 G.R. No.6852 of 2013 Under Section 447, 341, 323, 506,353/34 of the Indian Penal Code against petitioner and other on 19.11.2013 with

respect to occurrence dated 13.11.2012 on the basis of the written report of accused of Kotwali Police Station Case No.670 of 2013 who was not either on the bail granted by police or by the competent Court.

V. For issuance of an appropriate writ/order/direction to the respondents for granting any other relief or reliefs for which the petitioner is entitled.”

Learned counsel for the State has submitted that the present writ petition has become infructuous in view of the fact that on conclusion of investigation, the police have found both the cases being Kotwali P.S. Case No.670 of 2013 and Kotwali P.S. Case No.681 of 2013 to be false and reports in this regard under section 173(2) of the Code of Criminal Procedure have already been submitted in this regard in the court of competent jurisdiction on 28.2.2014 and 9.1.2014 respectively.

Learned counsel for Union of India has also supported the contention made on behalf of the State.

Having regard to the facts and circumstances of the case, I find no merit in the writ petition. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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