

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.265 of 2014

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Chandan Kumar son of Harinath Sharma, Resident of Village- Jatkauli,
Police Station- Vaishali in the district of Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Director General and Inspector General of Police, Government of Bihar, Patna
2. The Inspector General of Police, Muzaffarpur, Bihar
3. The Deputy Inspector General of Police, Muzaffarpur
4. The Superintendent of Police, Muzaffarpur
5. The Deputy Superintendent of Police, Sadar East, Muzaffarpur, Bihar
6. The Officer-in-Charge Sakara Police Station, District Muzaffarpur
7. The Sub-Inspector-cum-Investigating Officer, Sakara Police Station in the district of Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Mr. Satyendra Rai, A.C. to S.C.-30

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 18-02-2015 The petitioner is informant of Sakara P.S.Case No.192 of 2012 dated registered for the offences punishable under sections 302 read with 34 and 120B of the Indian Penal Code.

In the present application filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner is to direct the respondents to investigate the aforesaid police case in proper manner and take all coercive action against the accused persons involved in the case.

Learned counsel for the petitioner has submitted that despite there being sufficient materials against the accused persons

named in the FIR, the police are sitting tight over the matter. They have taken no steps in order to arrest the accused persons. The investigation of the case is thoroughly misdirected and due to inaction of the police, the accused persons are roaming free.

On the other hand, learned counsel for the State has submitted that there is no direct material against the accused persons named in the FIR. However, on the basis of proof of circumstance, a request has been made to the court for obtaining warrant of arrest against the accused persons.

Be that as it may, to hold investigation into a cognizable offence is statutory right of the police but the police have no right to keep the investigation pending for an indefinite period. They cannot sit tight over the matter. A sensitive and committed investigating agency is indispensable to the criminal justice system.

Regard being had to undue delay caused in investigation of the case, I direct the Superintendent of Police, Muzaffarpur to personally look into the matter and ensure an early conclusion of investigation of the case and submission of report under section 173(2) of the Code of Criminal Procedure.

It would be open to the investigating agency to submit such report as it deems fit and proper on the basis of outcome of

the investigation before Magistrate concerned.

With these directions and observations, the application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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