

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1238 of 2014

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Randhir Singh Son of Sri Pradeep Kumar, resident of Mohalla- Birla Colony, Phulwarisharif, P.S. Phulwarisarif, Dist. Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Home Affairs, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General, Patna Range, Patna
5. The Deputy Inspector General, Patna
6. The Senior Superintendent of Police, Patna
7. The Deputy Superintendent of Police, Town, Patna
8. Sri B.K. Medhari, son of not known, presently posted as Station House Officer, Kadam Kuan Police Station, residing at Police Station Campus, Kadam Kuan, P.S. Kadam Kuan, Distt. Patna
9. The Investigating Officer, Kadam Kuan Police Station, Patna
10. Sri Bharat Prasad, the Investigating Officer, Sub-Inspector of Police, son of not known, presently residing at Kadam Kuan Police Station Campus, P.S. Kadam Kuan, Distt. Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

2 31-07-2015 Heard learned counsel for the petitioner and learned
A.C. to G.P. 12 for the State.

The present writ application has been filed for a direction to the State authorities to arrest the accused persons of Kadam Kuan P.S. Case No. 151 of 2013 dated 04.05.2013 registered for offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner had approached the accused and paid him Rupees Two Lakhs on the assurance that he would be given employment in the Railways or BISCOAUN on the post of driver. It is submitted that when the same did not materialize, the accused had issued a cheque of Rupees Two Lakhs which upon presentation before the Bank was returned without being honoured. It is further submitted that the accused having committed cheating are required to be prosecuted but the police in their collusion is not taking due interest in the matter.

Learned counsel for the State submits that from the plain reading of the F.I.R. itself it is apparent that the petitioner had admitted to have given money for getting employment through illegal and unlawful means and further that without following the due procedure of law prescribed under the Negotiable Instruments Act, the present case has been filed which is also of a civil nature as the petitioner had remedy to move the

Civil Court having jurisdiction in the matter in a money suit.

Be that as it may, this Court cannot appreciate the fact that in a case instituted more than a year back, the investigation is still not over and police report has not been submitted to the court concerned. The Court also finds that the present is not a case of complex nature so as to warrant the pendency of the investigation for such a long period. Whatever conclusion the police arrive at during investigation, the same has to be recorded and accordingly the final report has to be submitted before the court concerned. The Court can only draw adverse inference that the same has not been done since no counter affidavit has been filed in the case. If so, let the same be done within three weeks positively.

Taking into account the nature of the case, this Court is not inclined to interfere in the matter.

The writ application stands disposed off.

The petitioner shall be at liberty to pursue his remedy before the appropriate forum in accordance with law.

(Ahsanuddin Amanullah, J)

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