

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2 of 2014

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Anita Devi wife of Dinanath Choudhary Village- Maguraha, P.S.-
Ramnagar, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, West Champaran at Bettiah
3. The Superintendent of Police, Bagaha, West Champaran
4. The Deputy Superintendent of Police, Bagaha, District- West Champaran
5. The Officer-in-Charge, Ramnagar, Distt- West Champaran
6. The Deputy Inspector General of Police, Bettiah, West Champaran
7. The Inspector General of Police, Muzaffarpur, Bihar
8. The Director General of Police, Bihar, Patna
9. Rajesh Gupta son of Late Tej Pratap Gupta, Village- Maguraha, P.S.-
Ramnagar, District- West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate
For the Respondent/s : Mr. Mani Madhukar, A.C. to G.A.4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 02-02-2015 By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued by this Court upon the respondent-authorities to take necessary legal action against private respondent no.9, namely, Rajesh Gupta in connection with Bagaha (Mahila) P.S. Case No.45 of 2013.

The aforesaid Bagaha (Mahila) P.S. Case No.45 of 2013 was registered on 18th June, 2013 under section 376/511 of the Indian Penal Code against respondent no.9 Rajesh Gupta on the

basis of the written application of the petitioner. The police have investigated the case and submitted charge sheet against the named accused Rajesh Gupta showing him as an absconder on 31st March, 2014.

Learned counsel for the State has submitted that the accused has already been declared a proclaimed offender and a proceeding under section 83 of the Code of Criminal Procedure has also been resorted to against respondent no.9 and the police are making their best efforts to nab him.

Be that as it may, in my view, the application is misconceived. The matter is pending before the Magistrate concerned. The accused have already been declared absconder and it is the duty of the police to arrest him and produce before the court. In case, there is any deliberate failure on the part of the police, the Magistrate concerned has ample jurisdiction to deal with the matter in accordance with law. In view of availability of statutory remedy to the petitioner, I am not inclined to entertain the present writ application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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