

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1053 of 2014

Arising Out of P.S.Case No. -182 Year- 2013 Thana –Ashok Paper Mill District- DARBHANGA

1. Sushil Kumar Choudhary son of late Shurti Choudhary, resident of Village-
Manjhaulia, P.S.- Ashok Paper Mill, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar, through District Magistrate, Darbhanga
2. The Superintendent of Police, Darbhanga
3. The Dy. Superintendent of Police (Town), Darbhanga
4. The Inspector of Police/Station House Officer, Ashok Paper Mill Police Station,
Darbhanga

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Upendra Prasad, Adv.
Mrs. Veena Kumari Jaiswal, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha, A.C. to SC-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 26-11-2015

The petitioner is the informant of Ashok Paper Mill
P.S.Case No. 182 of 2013 registered for the offences punishable
under Sections 420, 465, 468 and 471 of the Indian Penal Code.
Initially a complaint petition was filed, which was referred to the
Police for investigation under Section 156(3) of the Code of Criminal
Procedure by the learned Chief Judicial Magistrate, Darbhanga vide
order dated 25.11.2013, pursuant to which the FIR was instituted and
investigation was taken up.

2. In the present writ petition the petitioner seeks a
direction to be issued to the respondents to expedite and complete the

investigation of the aforesaid police case and take legal action against the accused persons named in the FIR and after investigation of the case to submit final report in the case within a reasonable time.

3. It has been contended by the learned counsel for the petitioner that the police have failed to discharge their statutory duty of investigation. A simple case under the Penal Code has been kept pending for about two years in the name of investigation. He has submitted that the Investigating Officer of the case is in collusion with the accused persons and he is deliberately avoiding to take appropriate steps to complete the investigation of the case.

4. Per contra, learned counsel for the State has contended that there is no truth behind the allegations made by the petitioner. The investigation is being carried out with full sense of responsibility. The matter has also been supervised by the Supervising Officer. One of the accused, namely, Sharda Yadav has already been arrested and charge-sheet has already been submitted against him. The investigation as far as other accused persons are concerned is still going on.

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

instituting the FIR.

6. In that view of the matter, I direct the Superintendent of Police, Darbhanga to personally look into the matter and ensure that the investigation of the case is brought to its logical end as early as possible preferably within four months from the date of receipt/production of a copy of the order.

7. With the aforesaid observations and directions, the application is disposed of.

8. Let a copy of the order be transmitted to the Superintendent of Police, Darbhanga through Fax.

(Ashwani Kumar Singh, J)

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