

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.421 of 2014

=====

1. Sarita Sharma @ Sarita Devi W/o Late Devnath Kumar Resident of Village Bhilaipur, P.S. Minapur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Patna.
2. The Inspector General of Police Tirhut Range, Muzaffarpur.
3. The Dy. Inspector General of Police, Tirhut Range, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The Dy. S.P., Muzaffarpur.
6. The Officer-in-charge of Kanti Police Station, Muzaffarpur.
7. The Investigating Officer of Kanti Police Station Case No. 3 of 2007, registered under section 279, 337 of the Indian Penal Code.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Respondent/s : Mr. Pramod Kumar Sinha, A.C. to AAG-2

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 03-02-2015

On the basis of a written report submitted by one

Akhileshwar Sharma, brother of the petitioner, Kanti P.S. Case No. 3 of 2007 dated 4th January, 2007 was registered for the offences punishable under sections 279 and 337 of the Indian Penal Code against an unknown truck driver. In the said case, husband of the petitioner had died in a road accident. On conclusion of investigation, the police have already submitted their report in the court below under section 173(2) of the Code of Criminal Procedure holding the allegation to be true but without clue.

Petitioner is not satisfied with the manner in which the investigation of the case has been carried. She has filed an application under section 173(8) of the Code of Criminal

Procedure before the Magistrate concerned for directing the police to proceed with further investigation into the matter. The said application is still pending before the Magistrate.

It has been contended by the learned counsel for the petitioner that pursuant to the filing of the petition by the petitioner, the Magistrate concerned has called for a report from the S.H.O. of Kanti Police Station as well as from some other senior officers of the district police.

In the instant application filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner is to direct the respondent authorities to proceed with further investigation of the aforesaid Kanti P.S. Case No. 3 of 2007 in terms of section 173(8) of the Code of Criminal Procedure.

In my view, the application is misconceived. The petitioner cannot maintain two parallel proceedings, one before the Magistrate and another before this Court in respect of same relief.

In that view of the matter, I am not inclined to entertain the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--