

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17493 of 2014

IN

Cr. WJC 940 of 2014

=====

Nawalesh Pathak, son of late Mr. Ramesh Pathak, District Judge (Rtd), Village-Bhatotar, P.S.-Barhara, District-Purnia, Bihar (in person)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amit Kumar, the then D.I.G. of Police, Purnia.
3. Nayyar Hasnain Khan, the then Superintendent of Police, Purnia.
4. Shibu Da, the then reader a SP office at Purnia.
5. Arvind Kumar, the then SHO, Khazanchi Hat PS, Purnia.
6. Mitesh Kumar, the then SHO, Dhamdaha PS, Purnia.
7. Vipin Kumar, the then Inspector, Dhamdaha PS, Purnia.
8. Pandey, the then ASI, Barhara PS, Purnia.
9. Sudip Keshri, S/O Kanhaiya Keshri, Rajendra Nagar, Madhubani, Purnia.
10. Madhuri, the then ASI, Khazanchi Hat PS, Purnia.
11. Varun Mishra, S/O Late Jeevanand Mishra, Village-Bhatotar, District-Purnia.
12. Constable Khan, the then Constable at Khazanchi Hat PS Purnia.
13. Five Unidentified Gunmen.
14. Seven to Eight Unidentified persons.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nawalesh Pathak (in person)

For the Respondent/s : None

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-02-2015

This writ petition has certain peculiar features. It highlights certain grave instances, which have taken place at Purnia in the year 2011. An M.L.A. was murdered and naturally it became sensational.

The petitioner was shown as one of the accused in the case relating to that incident. A C.B.I. enquiry was ordered into the

matter by the then Chief Minister, and after taking a detailed enquiry, the C.B.I. is said to have reported that there is no involvement of the petitioner in that case.

According to the petitioner, he was kidnapped by certain senior police officials in relation to that case, and though he filed a complaint before the Court of Chief Judicial Magistrate, at Purnia, which is registered as Complaint Case No.1775 of 2013, there is no progress whatever in that. With these and other averments, the petitioner seeks appropriate relief.

We heard the petitioner, who appeared in person, in detail.

The various events and incidents mentioned in the writ petition are indeed serious, if not shocking. The petitioner was implicated in a serious offence, and on the basis of the report submitted by the C.B.I., he was deleted from the list of accused. Thereafter, the petitioner initiated steps to vindicate his rights in the context of alleged kidnapping.

We desist from addressing the issue on merits for the simple reason that the complaint of the petitioner has been registered as a case, and the concerned Court has to decide the same, in accordance with law. It is not at all advisable for this Court to pass any order that would have the effect, on the result of the Complaint

Case No.1775 of 2013.

The grievance of the petitioner that there is no progress in the matter can be addressed by directing the Court to expedite the disposal of the case.

We, therefore, dispose of the writ petition, by directing the Court of Chief Judicial Magistrate at Purnia to expedite the disposal of the Complaint case No.1775 of 2013 in accordance with law.

Interlocutory application, if any, shall stand disposed of.
There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

Sunil/-

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