

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.374 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Sri Nityanand Kumar Proprietor of M/S ' Sai Industries Alka Coloney More, Kumharar Gumati, Sandalpur, Patna-800007, A/P resident of :- Flat N.-406, Raj Villa Apartment, Kanti Factory Road, Kankar Bagh, P.S.- Agamkuan, Dist.- Patna

.... Petitioner/s

Versus

1. The State of Bihar Represented Through Home Secretary Govt of Bihar, Old Secretariate Building, Bailey Road, Patna
2 Director General of Police, Bihar
3. Senior Superintendent of Police Patna, at north Gandhi Maidan, Patna-1
4. Deputy Superintendent of Police Patnacity
5. Officer-in-Charge Alamganj Police Station, Patna, Bihar
6. Investigating Officer, Dhamendra Kumar, Alamganj P.S. Case No.-332/12 Patna, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Mohan

For the Respondent/s : Mr.Dhirendra Kumar AC to GP20

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-01-2015

The instant application under Articles 226 and 227 of the Constitution of

India has been filed by the petitioner, seeking mandamus to be issued upon the respondents to submit police report in Alamganj P.S. Case No. 332 of 2012 dated 29-12-2012 registered for the offence under section 380 of the Indian Penal Code.

The petitioner happens to be the informant of the said case.

It has been contended that despite lapse of over two years from the date of institution of the F.I.R., the police have failed to submit their report under

section 173 of the Code of Criminal Procedure.

To hold investigation into a criminal case is the prerogative of police. At the stage of investigation, the Court has no role to play. However, a prompt and sensitive investigation is the need of the hour. The police cannot sit tight over the matter. They cannot prolong the investigation of the case for an indefinite period. Since the case is under investigation, I say no more.

With the aforesaid observations, the application is disposed of. Let a copy of the order be communicated to the Superintendent of Police, Patna for needful.

(Ashwani Kumar Singh, J)

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