

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.59 of 2014

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

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Arun Kumar son of Late Harbansh Lal Grover Resident Of 'Grover House', Boring Road, P.S. Shri Krishnapuri, District - Patna - 800001

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Old Secretariat, Patna - 800015
3. The Inspector General of Police, Economic Offences Unit, Dr. Shri Krishna Singh Road, Patna - 800001
4. The Superintendent of Police, Economic Offences Unit, Co - Operative Cell, Dr. Shri Krishna Singh Road, Patna - 800001
5. Shri Ram Bilash Yadav, Inspector of Police, Economic Offences Unit, Co-operative Cell, Dr. Shri Krishna Singh Road, Patna - 800001
6. Director, Forensic Science Laboratory, Govt. of NCT of Delhi, Sector-14, Rohini, New Delhi - 110085

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Advocate
For the Respondent/s : Mr. V.M.P.Sinha, Sr. Advocate
For the State : Mr. Arun Kumar Prasad, A.C. to S.C.-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-02-2015

The petitioner is informant of S.K.Puri P.S.Case No.228 of 2008 registered for the offences punishable under sections 406, 419, 420, 467, 468, 471, 506 and 120B of the Indian Penal Code.

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner has sought for a direction upon the respondents to complete the investigation of the aforesaid police case.

The grievance of the petitioner is that despite lapse of about

six years, the police have not been able to conclude the investigation of the case and submit their report in the court.

A counter affidavit has been filed on behalf of the Economic Offences Unit, Bihar in which it has been stated that the investigation of the case is being carried out in a fair and impartial manner. The seized membership register of Alaknanda Sahkari Grih Nirman Samiti Limited which is a vital piece of evidence was sent for expert opinion on 10th December, 2012 to the Forensic Science Laboratory Government of NCT Delhi, Sector-14, Rohini, Delhi by the investigating officer of the case. The Forensic Science Laboratory Government of NCT Delhi sent its report on 5th August, 2014 in which it has been stated that it failed to ascertain the age of printing, writing, ink, rubber stamp and impression etc. existing on various pages of the seized register. In the light of the above report, the investigating officer has collected the signature sample of the complainant of the year 1982 and tried his level best to collect all the documents and samples wanted in Forensic Science Laboratory report dated 5th August, 2014.

Be that as it may, to hold investigation into a criminal offence is a statutory right of the police. At this stage, the court has not role to play. However, a prompt and sensitive investigating agency is indispensable to criminal justice system. Once a cognizable

offence is reported to the police, they cannot sit tight over the matter. A duty is cast upon them to investigate the case as early as possible and submit their report in the court under section 173(2) of the Code of Criminal Procedure.

In that view of the matter, I direct the investigating agency to take all possible steps and conclude the investigation of the case as early as possible and submit their report in the court. I make it clear that it would be open to the investigating agency to submit such report as it deems fit and proper on the basis of materials unfurled in course of investigation.

With these observations, the application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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