

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.165 of 2014

Arising Out of PS.Case No. -nil Year- nil Thana -nil District- NALANDA (BIHARSHARIFF)

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1. Aslam Son Of Md. Taslim Towhid Resident Of Rajanagar, Ward No. 18, P.O. + P.S. + District - Jamui.
 2. Safoora Khatoon Wife Of Late Abbas Resident Of Rajanagar, Ward No. 18, P.O. + P.S. + District - Jamui.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Jamui.
3. The Superintendent Of Police, Jamui.
4. The In-Charge Officer Of The Public Grievance Cell, Collectorate, Jamui.
5. The Block Development Officer, Barhat Block, District- Jamui.
6. The Officer-In-Charge, Barhat Police Station, District- Jamui.
7. The Divisional Manager, Punjab National Bank, Biharsharif, District- Nalanda.
8. The Branch Manager, Punjab National Bank, Biharsharif, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey
Mr. Abdul Wadood

For the Respondent/s : Mr. Nirbhay Kumar Singh, GP 26

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 20-01-2015

The prayer of the petitioners made in paragraph no.1 of
the writ petition is as under :-

“1. That this writ application is being filed for issuance of an appropriate writ/writs, rule/rules, direction/directions commanding the respondent nos. 2 and 3 for initiation of appropriate legal actions including the institution of First Information Report against the Branch Manager of Punjab National Bank, Barahat Branch and its concerned Officials of the district of Jamui, the concerned officials of the government of Bihar as well as the persons involved in defalcation of Public Money. And Further as the matter is involved of the

defalcation of huge public money, meant for down trodden people, a direction should be issued to inquire the matter from the vigilance department of the state government as several applications have been given to the authorities concerned but the concerned authorities are sitting idle over the matter.”

It would appear from the record that till date the petitioners have not approached the S.H.O. of the concerned Police Station for institution of F.I.R. in terms of section 154(1) of the Code of Criminal Procedure (hereinafter referred to as “the Code”).

Section 154(1) of the Code mandates that every information relating to the commission of a cognizable offence, if given orally to an Officer-in-Charge of a Police Station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf. Section 154(3) of the Code further mandates that any person, aggrieved by a refusal on the part of an officer-in-charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall

either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer-in-charge of the police station in relation to that offence.

It is to be noted here that in case any person is aggrieved by a refusal on the part of the Superintendent of Police to take action in terms of section 154(3) of the Code, he may file a complaint before the Magistrate concerned under sections 190 and 200 of the Code and in such case the Magistrate would have an option either to enquire into the matter himself or refer the same to the police for investigation under section 156(3) of the Code.

In view of the availability of equally efficacious and alternative remedy to the petitioners, I am not inclined to entertain the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

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