

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1205 of 2015

Arising Out of PS.Case No.59 Year 2014 Thana Kathaiya District- MUZAFFARPUR

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Anil Kumar Singh, Senior Manager, Bank of Baroda, Regional Office,
Muzaffarpur, permanent address- son of Late Devendra Narayan Singh, resident
of village- Baghrasi, P.O.-Kothram, P.S.-Jamalpur, District- Darbhanga

.... Petitioner/s

Versus

- 1.The State of Bihar through Home Secretary, Bihar, Patna
- 2.The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Muzaffarpur Region, Muzaffarpur
4. The Deputy Inspector General of Police, Muzaffarpur Region
5. The Senior Superintendent of Police, Muzaffarpur
6. The Sub-Divisional Police Officer, Muzaffarpur, West
7. Officer Incharge, Kathaiya
8. Satyendra Kumar Mahto son of Kapildeo Mahto, resident of village-Rampur,
Bhediya, P.S.-Kathaiya, District- Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Respondent/s : Mr. Rajesh Kumar, G.P.-19

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-12-2015

By the present application under Articles 226 and 227 of the
Constitution of India, the petitioner has prayed to quash the charge-
sheet bearing no.82 of 2015 dated 30.6.2015 submitted in Kathaiya
P.S. Case No.59 of 2014. The further prayer of the petitioner is to
direct the respondents to proceed with further investigation of the case

in terms of section 173(8) of the Code of Criminal Procedure.

It has been contended that the investigation of the case was conducted in a perfunctory manner and without investigating the case properly, the petitioner has been sent up for trial. It has further been contended that though the report under section 173 (2) of the Cr.P.C. has been submitted in the court of Judicial Magistrate, 1st Class, Muzaffarpur, on 30th June, 2015, no order has been passed by the learned Magistrate till date.

In my view, the application is misconceived. Once the police have conducted the investigation and submitted report under section 173(2) Cr.P.C., it is for the Magistrate concerned to apply his mind to the facts of the case and the materials collected in course of investigation and pass appropriate order in accordance with law.

At this stage, it would not be proper for this Court to jump to the conclusion that the investigation was either fair or impartial or conducted in a perfunctory manner.

In that view of the matter, I find no merit in the present application. Accordingly, it is dismissed.

However, in case no order has been passed after receipt of the police report, I direct the learned Judicial Magistrate, 1st Class, Muzaffarpur to look into the first information report, the police report submitted under section 173(2) Cr.P.C. and the materials collected

during investigation and pass appropriate orders in accordance with law without any further delay.

(Ashwani Kumar Singh, J)

Md.S./-

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