

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1090 of 2013**

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1. Sunita Devi Wife Of Ram Subhag Sah Resident Of Village- Madhopur,  
P.S.- Barauli, District- Gopalganj

.... .... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna  
2. The Director General of Police, Bihar, Patna  
3. The Commissioner, Saran Division, Chapra  
4. The District Magistrate, Gopalganj  
5. The Inspector General of Police, Weaker Cell Crime Investigation  
Department, Bihar, Patna  
6. The Zonal Inspector General of Police, Muzaffarpur Zone, Muzaffarpur  
7. The Deputy Inspector General of Police, Saran at Chapra  
8. The Superintendent of Police, Gopalganj  
9. The Deputy Superintendent of Police, Gopalganj  
10. The Officer-In-Charge, Barauli Police Station, Gopalganj  
11. The Investigating Officer Of Barauli Police Station Case No. 30 Of  
2009, P.S.- Barauli, District- Gopalganj

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Respondent/s : Mr. Rakesh Kumar Sharma, A.C. to GP-27

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

6      02-03-2015                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is informant of Barauli P.S.Case No.  
30 of 2009 dated 18.03.2009 registered for the offence punishable  
under section 376 read with 34 of the Indian Penal Code.

In this application filed under Articles 226 and 227  
of the Constitution of India, the prayer of the petitioner in  
paragraph 1 is as under :-

“1. That this is an application for issuance of a  
writ in the nature of mandamus or any other  
appropriate Writ/Rule/Direction commanding

the respondent authorities to conclude the investigation of Barauli Police Station Case No. 30 of 2009 dated 18.03.2009 registered under Section 376/34 of the Indian Penal Code and arrest the accused persons of the case, and submit final form within a reasonable time.”

This application was filed before this Court in November, 2013. During the pendency of the case, final report vide F.F. No. 28/14 dated 31.01.2014 has already been submitted in the court on 17.04.2014. Since the Investigating Officer has not sent up the accused for trial, learned Magistrate has issued notice to the informant and the matter is pending for consideration before the Magistrate.

In that view of the matter, this application has become infructuous. Once a report under section 173 of the Code of Criminal Procedure has been filed in the court, it is for the Magistrate to apply his mind and pass appropriate orders. Accordingly, the application is disposed of as infructuous.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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