

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.311 of 2014

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

Manoj Bhashkar, Son of Shiv Kant Jha, Resident of village- Shahaganj Beta, Police Station- Laheriasarai, District- Darbhanga

.... Petitioner

Versus

1. The State of Bihar
2. The Inspector General of Police, Darbhanga Division, Darbhanga
3. The Deputy General of Police, Darbhanga Division, Darbhanga
4. The Senior Superintendent of Police, Darbhanga
5. The Officer-in- charge, Laheriasarai, Darbhanga

.... Respondents

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Respondent/s : Mr. Mrigendra Kumar, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-01-2015

On the basis of written report submitted by the petitioner to the Officer-in-Charge of Laheri Sarai Police Station, Laheria Sarai Police Station Case No. 482 of 2010, dated 11.10.2010 was registered for the offence punishable under Section 406 of the Indian Penal Code against named accused Jamshed Alam.

On conclusion of investigation, the police submitted



charge sheet against the named accused on 31st December, 2011 in the Court of the learned Chief Judicial Magistrate, Darbhanga for having committed an offence punishable under Section 406 of the Indian Penal Code. The aforesaid case relates to theft of a Scorpio vehicle. Though the police has submitted charge sheet against the named accused but the vehicle in question could not be located.

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents to conduct proper investigation of the aforesaid Laheria Sarai P.S. case No. 482 of 2010 and recover the stolen Scorpio vehicle bearing registration no. BR-01PA-2789.

Learned counsel for the petitioner submits that the petitioner had purchased the aforesaid vehicle on 28th February, 2009 from Priyadarsh Motors Pvt. Ltd., Bailey Road, Patna on hire purchase basis. As the vehicle could not be located in course of investigation, the petitioner has sustained a huge loss.

On the other hand, learned counsel for the State submits that in course of investigation it transpired that the petitioner and the accused Jamshed Alam were business partner. They are property dealer. Subsequently, the relation in between the informant and the accused got strained and ultimately, the vehicle in question was taken away by Jamshed Alam.

Despite best effort made by the investigating agency, the vehicle in question could not be located and, hence, charge sheet no. 598 of 2011 was submitted in the Court on 31st December, 2011.

Having regard to the facts and circumstances of the case, I find that no useful purpose would be served by directing the investigating agency to reopen investigation of the case which has already been closed in the year 2011. In case the petitioner had any grievance against the manner in which the investigation was conducted, he ought to have brought it to the notice of the Magistrate concerned before whom the police report was filed. The present application has been filed on 15.4.2014 seeking proper investigation of the case whereas the case has been closed long back.

The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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