

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.123 of 2014

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Nand Lal Sharma, son of Late Kauleshwar Sharma, resident of Village Jankop, P.S. Barun, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad, Sr. Adv.
Mr. Mukesh, Adv.

For the Respondent/s : Mr. Himanshu Kumar Akela, A.C. to GA-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 16-01-2015 The petitioner has been made named accused in Sasaram Town P.S.Case No.476 of 2006. In the aforesaid case, after conclusion of investigation a final report was submitted. However, subsequently, a petition was filed in the court seeking permission for further investigation in terms of section 173(8) of the Code of Criminal Procedure. After taking permission from the court, the Police are conducting further investigation into the matter.

By filing the present application under Article 226 of the Constitution of India, the petitioner has made following prayer in paragraph 1 :-

1. That this is an application for;
- (i) Issuance of writ in the Nature of Mandamus directing the respondents to get the signature on the disputed deed of assignment verified from a National Level Laboratory in connection with Sasaram Town P.S. Case No.476/06 in the interest of justice.

- (ii) For any other consequential relief/reliefs to which the petitioner is entitled by this Hon'ble Court in the facts and circumstances of the present case.”

In my view, the application is misconceived. The accused of a case cannot seek a direction from the Court regarding the manner in which investigation has to be carried out. To hold investigation in a criminal case is the statutory right of the police. At this stage the Court has no role to play.

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

(Ashwani Kumar Singh, J)

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