

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1112 of 2014

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1. Kesari Devi Wife of Jay Kameshwar Prasad Resident of village-
Malbigha, P.S. Noorsarai, District - Nalanda

.... Petitioner.

Versus

1. The State of Bihar
2. The Director General - cum - Inspector General of Police, Bihar, Patna
3. Deputy Inspector General of Police, Central, Patna
4. Senior Superintendent of Police, Patna Sadar, Patna
5. Station House officer, Rail Police, Patna

.... Respondents.

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Appearance :

For the Petitioner : Mr. Dr. Shashi Shekhar Kishore, Advocate.
For the Respondents : Mr. Vivek Prasad (Gp 18)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 23-06-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for issuance of a writ in
the nature of quo warranto commanding and directing the
concerned authority to hold an enquiry as to why the son of the
petitioner was produced before the Railway Magistrate on
20.05.2014 while he was arrested on 19.05. 2014.

It is alleged that son of the petitioner was apprehended in
Patna railway station while he was roaming in Platform no. 2 and
3 without any platform ticket.

Learned counsel for the petitioner however contends that
petitioner has filed this petition for illegal detention of his son.



However it is admitted that the son of the petitioner was arrested on 19.05.2014 at 4 A.M. while he was roaming in Platform No. 2 and 3 without any platform ticket and hence his detention cannot be said to be illegal and he was produced before the Railway Magistrate on 20. 05. 2014, however, no time is mentioned about his production before Railway Magistrate on 20.05.2014. It is further admitted that son of the petitioner has already been released after payment of fine slapped by the Railway Magistrate on 20.05.2014, hence there is no question of any illegal detention.

However writ in the nature of quo warranto is issued against an authority only while the issue is regarding his appointment to the post is doubtful, but no foundational fact has been mentioned challenging the authority of the Railway Magistrate and only grievance of the petitioner is that, though, son of the petitioner was arrested in Platform No. 2 and 3 on 19.05.2014, he was produced before Railway Magistrate on 20.05. 2014 and so the foundational fact is not to challenge the authority of Railway Magistrate to proof for issuing a writ in the nature of quo warranto.

However, son of the petitioner has already been released after payment of fine. Further in writ of quo warranto commanding the concerned authority has not been issued unless

the appointment of the Railway Magistrate is challenged as illegal.

Hence, I do not find any merit in the writ petition.

Accordingly, the same is dismissed.

m.p.

(Gopal Prasad, J)

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