

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1155 of 2013

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

Alakh Niranjana Tiwari, Son of Late Sheonath Tiwari, Resident of Bashist Nagar
New Police Line, Ara, P.S.- Nawada, District - Bhojpur

.... Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The Inspector General of Police, Patna
3. The Senior Superintendent of Police, Patna
4. The Investigating Officer, Buddha Colony Police Station, Patna
5. The Divisional Manager, State Bank of India
6. The Branch Manager, Sinchai Bhawan, Secretariat, Patna
7. The Branch Manager, Rajgir, Nalanda

.... Respondents

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate

For the Respondent/s : Mr. Krishna Kumar, AC to GP-26

Mr. Abhishek Kumar, AC to Sr. Advocate S.D. Sanjay.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-02-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is informant of Buddha Colony P.S. Case
No. 163 of 2012 registered for the offences punishable under
Sections 420 and 406 of the Indian Penal Code. He has filed the

present application under Articles 226 and 227 of the Constitution of India for a direction to the respondents to properly investigate the matter and nab culprits so that recovery of huge amount withdrawn by them from the account of the petitioner is recovered.

Learned counsel for the petitioner has submitted that though more than two years have passed since the date of institution of the FIR, the investigating agency is sitting tight over the matter.

On the other hand, learned counsel for the State has submitted that though efforts are being made by the police but till date the investigation could not be concluded as the facts involved in the case are too complex.

Be that as it may, to hold investigation into a cognizable offence is the statutory right of police. At this stage, the Court has no role to play. However, the investigating agency is not expected to prolong investigation of a case for an indefinite period. A prompt and sensitive investigating agency is indispensable to the criminal justice system.

Having regard to the undue delay caused in investigation of the case, I direct the Senior Superintendent of Police, Patna to personally look into the matter and ensure an expeditious investigation into the case. He shall see that a report under Section 173(2) of the Code of Criminal Procedure is

submitted before the concerned Magistrate as early as possible preferably within four months from the date of receipt/production of a copy of the order.

With these observations and directions, the application is disposed of.

Registry is directed to communicate a copy of the order to the Senior Superintendent of Police, Patna.

(Ashwani Kumar Singh, J.)

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