

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22826 of 2013

Arising Out of PS.Case No. -32 Year- 2005 Thana -IMADPUR District- BHOJPUR

- =====
1. Sunder Muni Devi wife of Sri Suraj Sao
 2. Rita Devi wife of Sri Kamlesh Sao
 3. Ramesh Sao son of Suraj Sao
 4. Akhilesh Sao son of Sri Suraj Sao
 5. Suraj Sao son of Late Ramanand Sao
 6. Umesh Sao son of Sri Suraj Sao
- All resident of Village - Ahirpurva, P.S. Ara Town, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Lalti Kuer Wife Of Late Sudarshan Sao resident of Village - Bihta, P.S. Imadpur, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur

For the Opposite Party/s : Mr. Md. Arif (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

5 22-11-2016 Heard Sri Ajay Thakur, learned counsel who was assisted by Sri Dudh Nath Singh, learned counsel for the petitioners , Mr. Md. Arif , learned Additional Public Prosecutor as well as Sri Rahul Nath, learned counsel who has appeared on behalf of the informant/ opposite party no. 2 .

Six petitioners who are facing trial in Sessions Trial No. 92 of 2007 arising out of Imadpur P.S. Case No. 32 of 2005 initially registered under section 302/ 201/ 34 of the Indian Penal



Code and Section 3 and 4 of the Dowry Prohibition Act have approached this court invoking its inherent jurisdiction under section 482 of the Code of Criminal Procedure 1973 with a prayer to quash an order dated 29.4.2013 passed by learned Adhoc Sessions Judge -I, Bhojpur at Ara . By the said order the learned Trial Judge has allowed the petition filed on behalf of the informant and directed for summoning the Investigating Officer for his examination.

Sri Thakur, learned counsel for the petitioners assailing the order submits that in the case on earlier occasion after conclusion of evidence, argument was started and thereafter case was re-opened. He submits that on number of occasions opportunity was given to the prosecution to examine witnesses however despite best effort taken by the trial court Investigating Officer was not examined and at much belated stage even after recording statement of accused persons under Section 313 of the Cr.P.C. again petition was filed by the informant for summoning the Investigating Officer which has been allowed by the learned court below that too without assigning any detail reason. However, at the time of argument it was accepted by learned counsel for the petitioners that in this case Investigating Officer was not examined . It is also not in dispute that it was a case



under Section 304B of the Indian Penal Code besides other Sections of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act. It is a fact that the informant's daughter who was married with petitioner no. 6 was done to death within a very short period of her marriage and her dead body was found in a river. It is also a fact that on number of occasions opportunity was given to the prosecution for securing attendance of the Investigation Officer but the prosecution failed to do that. However this court is of the opinion that for just decision in the matter examination of Investigating Officer is a must and as such it would not be appropriate to interfere with the impugned order. Keeping in view the fact that on number of occasions despite opportunity granted to the prosecution the Investigating Officer was not examined it would be necessary to issue direction to the State through Director General of Police, Bihar to ensure production of Investigating Officer as and when required by the trial court and at the same time the learned trial court is also directed to take all steps so that the case may come to its logical end without unnecessary delay preferably within a period of four months from the date of receipt/ production of a copy of this order.

With above observation and direction the petition

stands dismissed.

Let a copy of this order be sent to the Director General
of Police, Bihar .

(Rakesh Kumar, J)

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