

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.398 of 2015

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

1. Md. Arshad Ansari, son of Md. Yusuf Ansari, resident of Village: Islampur, P.O: Hariyahi, P.S: Nirmali, District: Supaul.

.... Petitioner/s

Versus

1. The State of Bihar Through Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Govt. Of Bihar, Patna.
3. Senior Superintendent of Police, Supaul.
4. Deputy Superintendent of Police, Supaul.
5. Officer-in-Charge, Nirmali Police Station, District: Supaul.
6. Investigating Officer, Nirmali Police Station, District: Supaul.
7. Md. Istaque Ansari, son of Wasir Ansari
8. Mustafa Ansari, son of Late Faffur Ansari
9. Jakir Ansari, son of Murtaza Asari
10. Amad Ansari, son of Late Gaffur Ansari
11. Jehangir Ansari, son of Murtaza Ansari
12. Idris Ansari, son of Late Salim Ansari
13. Rizwan Ansari, son of Late Idris Ansari
14. Wasir Ansari, son of Gaffur Ansari
15. Abid Ansari, son of Mustaque Ansari All sl.no. 7 to 15 are resident of Village: Islampur, P.S: Hariyahi, P.S: Nirmali, District: Supaul.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 01-02-2016

In Nirmali P.S. Case No. 110 of 2014 registered under sections 408, 420, 384/34 of the Indian Penal Code, father, brother and brother-in-law of the petitioner have been made accused. On completion of investigation the police have submitted their report under section 173(2) of the Code of Criminal Procedure, 1973 in the court.

By way of present application under Articles 226 and 227 of the Constitution of India, petitioner seeks direction to be issued to the respondents to hand over further investigation of Nirmali P.S. Case No. 110 of 2014 either to the C.I.D. or to the C.B.I. as the investigation conducted so far is perfunctory in nature and innocent persons have been implicated.

In my view the application is misconceived. Petitioner is a stranger to the criminal case being Nirmali P.S. Case No. 110 of 2014. He has no locus standi in the matter. Moreover, admittedly the investigation of the case is over and a report under section 173(2) of the Code of Criminal Procedure, 1973 has been filed in the court of the jurisdictional Magistrate. In that view of the matter, even if further investigation is required to be made, it is for the Magistrate concerned to apply his mind to the facts collected during the course of investigation and pass orders.

Accordingly, the application being devoid of merit is, hereby dismissed.

(Ashwani Kumar Singh, J)

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