

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2270 of 2015

IN

Cr. WJC 103 of 2014

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Shatrughan Rai, son of late Sukhdeo Rai, resident of village - Chandpur Dhamaun,
P.S.- Patori, District - Samastipur

.... Petitioner

Versus

1. The State of Bihar Sri Anjani Kumar Singh through the Chief Secretary, Govt. of Bihar, Patna
2. Sri. P.K. Thakur, the Director General of Police, Bihar, Patna
3. Sri Umesh Chaudhary, the superintendent of Police, Samastipur
4. Ha Irani, the Sub Divisional Police Officer, Patori, District - Samastipur
5. Shri Braj Nandan Mehta, the Officer- in- Charge, Patori, P.S.- Patori, District - Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Amitabh Bhardwaj, Advocate.

For the State : Mr. U Shankar, GP4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-10-2016

This application under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act has been filed by the petitioner for initiating contempt proceedings against the opposite parties for their willful disobedience and non-compliance of the order dated 18.2.2015 passed by this Court in Criminal Writ Jurisdiction Case No. 103 of 2014.

The operative part of the order dated 18.2.2015 passed in Cr. WJC No. 103 of 2014 as contained in Annexure-1 reads as under:

“Regard being had to the undue delay

caused in conclusion of investigation, I direct the Superintendent of Police, Samastipur to personally look into the matter and ensure that a report under section 173(2) of the Code of Criminal Procedure is filed before the Magistrate concerned as early as possible preferably within three months from the date of receipt/production of a copy of this order.

It is made clear that it would be open to the investigating agency to submit such report as it deem fit and proper depending on the outcome of the investigation.

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

It has been contended by the petitioner that vide order dated 18.2.2015, the writ petition was disposed of with an observation directing the opposite parties to personally look into the matter and ensure that a report under Section 173(2) of the Cr. P.C. is filed before the concerned Magistrate as early as possible preferably within three months. Though the petitioner produced the copy of the order dated 18.2.2015 before the court of the learned Chief Judicial Magistrate, Samastipur on 24.2.2015, the Police have failed to submit their report within the time stipulated in the order.

A show cause has been filed on behalf of the opposite parties 3 to 5 wherein it has been contended that there is neither any willful disobedience nor any delay in completing the investigation of the case. The order dated 18.2.2015 passed by this Court in Cr. WJC No. 103 of 2014 has duly been complied with and on completion of

the investigation, the Police have already submitted final form in the court on 29.3.2015. It has been contended that the application filed by the petitioner is misconceived and the same be dismissed with costs.

Regard being had to the fact and the order passed by this Court has already been complied with, no case for initiating contempt is made out.

The application stands dismissed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.10.2016
Transmission Date	