

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.260 of 2016

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

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1. Md. Saifullah @ Md. Saifullah Zafar S/o Late Md. Abdul Kudus, Resident of at present Village- Malkana, P.O. & P.S.- Masaurhi, District- Patna, permanent Village- Kewra, P.S.- Punpun, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar.
2. The Director General of Police, Government of Bihar, Patna.
3. The Union of India through the Secretary (Personnel), Department of Personnel and Training, New Delhi.
4. The Secretary (Home), Ministry of Home Affairs, Government of India, New Delhi.
5. The Director General (Prosecution), Government of Bihar, Patna.
6. The Inspector General of Police, Patna Range, Patna.
7. The Senior Superintendent of Police (SSP), District- Patna.
8. The Deputy Superintendent of Police, Phulwari Sharif, District- Patna.
9. The Officer-in-Charge, Phulwari Sharif P.S., District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratiyush Kumar, Advocate

Mr. Sudarshan Kumar, Advocate

For the Respondent/s : Mr. K.B. Singh, SC-22

For the Respondent Nos.3 and 4: Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL JUDGMENT

Date: 25-04-2016

Heard Mr. Pratiyush Kumar, learned Counsel, appearing on behalf of the petitioner, and Mr. K.B. Singh, learned Standing Counsel, appearing on behalf of the State-respondents. Heard also Mr. Anshuman Singh, learned Counsel, appearing on behalf of respondent Nos.3 and 4.

From the affidavits, which have been filed by the respondent, particularly, the Senior Superintendent of Police, Patna, it appears that the complaint, in question, was filed, on 18.09.2015, in the Court of Chief Judicial Magistrate, Patna, and the same, on being

registered as Complaint Case No.3251(C) of 2015, was sent, on 19.08.2015, to the police for investigation. The Senior Superintendent of Police, Patna, sent the Complaint Case No.3251(C) of 2015 to Phulbarisharif Police Station for registration of the case. The complaint aforementioned was received by the Station House Officer, Phulbarisharif, on 01.10.2015. As no action had been taken by the Station House Officer, Phulbarisharif, a petition was filed, on 04.03.2016, by this writ petitioner and it was, thereafter, on 13.02.2016, that Phulwarisharif Police Case No.89 of 2016 has come to be registered. For the omission to take appropriate action on the said complaint, disciplinary proceeding has already been initiated against the erring officer.

In view of the above, this Court finds that no further direction is required to be given in this case except making it clear that Senior Superintendent of Police, Patna, shall ensure that the investigation of Phulwarisariiff Police Station Case No.89 of 2016 shall proceed expeditiously and in accordance with law without, however, causing any harassment to any innocent person. Ordered accordingly.

With the aforesaid observations and directions, this writ petition stands disposed of.

(I. A. Ansari, ACJ)

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