

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30425 of 2013

Arising Out of PS.Case No. -728 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

=====

Daisamma T.J. W/O Dr. Arun Kumar Resident Of Mohalla- Ghughari Road, P.S.-
Civil Line, Gaya, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar
2. Rakesh Kumar, S/O Not Known City D.S.P., Gaya
3. Paritosh Kumar, S/O Not Known S.D.O., Sadar Gaya
4. Manoj Kumar, S/O Not Known A.S.I. Civil Line Gaya

.... Opposite Parties.

=====

Appearance :

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

For the Opposite Party/s : Mr. T. N. Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-08-2016

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

2. By way of the present application preferred
under Section 482 of the Code of Criminal Procedure (for short
'CrPC'), the petitioner has challenged the order dated 19.06.2013
passed by the learned Judicial Magistrate, 1st Class, Gaya in
Complaint Case No. 728 of 2012 by which the learned Judicial
Magistrate has called for a report from the Senior Superintendent of
Police, Gaya in exercise of power conferred under Section 202 of

the CrPC.

3. It is submitted by learned counsel for the petitioner that the learned Magistrate ought to have passed the order on the basis of the statement of the complainant on oath and the witnesses examined in course of inquiry under Section 202 of the CrPC, but he has erroneously summoned a report from the Senior Superintendent of Police. It is further submitted that the impugned order has been passed ignoring the mandatory provisions prescribed under Section 202 of the CrPC.

4. In my opinion, the contention of the learned counsel for the petitioner is thoroughly misconceived. Section 202 of the CrPC confers power upon the court to direct an investigation to be made by a police officer or by such other person as he thinks fit for the purpose of deciding whether or not there is sufficient ground for proceeding.

5. In that view of the matter, I find no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Kanchan/-

U		T	
---	--	---	--