

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.552 of 2015

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

Ranjeet Kumar Yadav @ Ranjeet Yadav son of Rajendra Prasad Yadav @ Rajendra Yadav, resident of village - Madho Bigha, P.S. - Nimchak Bathani, District - Gaya.

.... Petitioner/s

Versus

1. State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Range, Patna
4. The Deputy Inspector General of Police, Magadh Range, Gaya.
5. The Superintendent of Police, Gaya.
6. The Assistant Superintendent of Police, Gaya.
7. The Deputy Superintendent of Police, Gaya.
8. The Officer-in-Charge, Nimchak Bathani Police Station, District - Gaya.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Singh, Sr. Advocate
: Mr. Shankar Kumar Thakur, Advocate
: Mr. Anjani Kumar Jha, Advocate
For the Informant : Mr. Siya Ram Shahi, Advocate
For the State : Mr. Sanjay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 02-02-2016

Heard Mr. Jitendra Singh, learned senior counsel for the petitioner, Mr. Sanjay Kumar Tiwari, learned A.C. to G.P.-27 and Mr. Siya Ram Shahi, learned counsel for the informant.

2. By way of the present application, the petitioner has made two prayers. The first prayer of the petitioner is to quash the first information report (for short "FIR") of Nimchak Bathani P.S. Case No.21 of 2013 registered under Sections 341, 342, 323, 325, 307 and 302/34 of Indian Penal Code. The second/alternative prayer of the

petitioner is to direct the respondents to conclude the investigation of the case without any delay.

3. At the outset, Mr. Singh has stated that in view of the allegations made in the FIR he is not pressing the first prayer. So far as the second prayer is concerned, the parties agree that the investigation of the case should be fair, impartial and speedy as the same would be in the interest of all concerned.

4. To hold investigation into a cognizable offence is the statutory right of the police. True, at his stage the court has no role to play. However, the investigating agency cannot sit tight over the matter for an indefinite period after registering an FIR. A sensitive and committed investigating agency is the need of the hour. It is indispensable to the interest of justice. When the statutory authorities fail in their duty or when they forget to investigate a case or when the investigation is not in proper direction, this court may hand over investigation to another independent agency.

5. It has rightly been pointed out by the respective counsel for the parties that a speedy investigation would bring fairness in investigation and will serve the cause of justice. I fail to understand as to why the investigation of the case has lingered on for about three years. An expeditious conclusion of investigation is necessary because greater the delay, greater the chances of evidence being destroyed,

witnesses being compromised or the accused being able to manipulate circumstances to his advantage.

6. Taking into consideration the inordinate and unexplained delay in conducting the investigation, I direct the Senior Superintendent of Police, Gaya to personally monitor the matter and ensure that the investigating officer must promptly take all necessary steps, conclude the investigation as early as possible, preferably within three months and submit his report to the Magistrate concerned.

7. With the aforesaid observations and directions, the application is disposed of.

8. Let a copy of the order be transmitted to the Senior Superintendent of Police, Gaya through Fax forthwith.

(Ashwani Kumar Singh, J)

Md.S./-

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