

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1013 of 2015

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

S.M. Naiyar Imam S/o Late S.M. Zareef, Secretary of S.M. Zaheer Alam TEachers Training Collee, Bahera (Darbhanga) P.O. & P.s. - Bahera, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through Director General of Police, Old Secretariat, Patna
2. The Inspector General of Police, Darbhanga Division, District - Darbhanga.
3. The Deputy Inspector General of Police, Darbhanga Division, District - Darbhanga.
4. The Senior Superintendent of Police, Darbhanga, District - Darbhanga.
5. The Deputy Superintendent of Police, P.O. & P.S. - Bahera, District - Darbhanga.
6. The Station House of Officer - Cum - Investigating Officer, P.O. & P.S. - Bahera, District - Darbhanga.
7. Khalikuzzama Khan, S/o Late Rashiduzzaman Khan, Resident of Village - Fardaha, P.O. - Nehra Via - Sakri, District - Darbhanga.
8. S.M. Zafar Imam, S/o Late Zareef, P.O. & P.S. - Bahera, District - Darbhanga.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai, Advocate

For the Respondent/s : Mr. M.K. Mishra, GP-25.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-07-2016

The petitioner is informant of Bahera P.S. Case No. 335 of 2013 registered under Sections 406, 409, 420, 467, 468, 471/34 of the Indian Penal Code. The aforesaid police case was

registered on 18th August, 2013. Till date, the investigation of the case has not been completed.

Learned counsel for the petitioner has submitted that the investigating agency is acting in collusion with the accused persons named in the FIR. The investigation is tainted and no steps are being taken in order to investigate the case properly and conclude the same expeditiously.

Learned counsel for the State has submitted that the allegations made by the petitioner are not true. The investigation is being done in a proper and diligent manner and the informant of the case himself is not co-operating with the investigating agency.

Be that as it may, to investigate into a cognizable offence is the statutory right of the police. At this stage, normally the courts do not interfere. However, if the investigating agency forgets its duty to investigate a case and sits tight over the matter for an indefinite period, this Court may direct the investigation of the case to be handed over to some other agency. Apparently, the investigation of the case in the present case is pending for almost three years. There is no justification for such an inordinate delay in completing the investigation of the case.

In that view of the matter, I direct the Superintendent of Police, Darbhanga to personally look into the matter and ensure

that the investigation of the case is completed and a report under Section 173(2) of the Code of Criminal Procedure is submitted in the Court without any further delay as early as possible, preferably within four months from the date of receipt/production of a copy of the order.

With the aforesaid observation and direction, the application is disposed of.

Registry is directed to transmit a copy of the order to the Superintendent of Police, Darbhanga forthwith.

It is made clear that this Court has not examined the merits of the case. It would be open to the investigating agency to submit such report as it deems fit and proper on the basis of outcome of the investigation.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
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