

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.456 of 2016

Arising out of PS.Case No. 139 Year- 2015 Thana – Rajgir District- NALANDA
(BIHARSHARIFF)

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Aftab Alam, Son of late Suleman, Resident of Village/ Mohalla- Bangali Para
Rajgir, PS Rajgir District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Government of Bihar,
Patna
2. The Inspector General of Police Patna Range, Patna.
3. The Dy. Inspector General of Police Patna Division Patna.
4. The Superintendent of Police Nalanda.
5. The Dy. Superintendent of Police Rajgir, District Nalanda.
6. The Officer In Charge Rajgir Nalanda.
7. The Investigating Officer of Rajgir PS Case no. 139/15

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Sanjeev Ranjan, Advocate.
For the State : Mr. Ajay Kumar Rastogi, A.A.G. 10
Mr. Parijat Saurav, A.C. to A.A.G. 10
For the Informant : Mr. Rajesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL JUDGMENT

Date: 14-09-2016

Heard learned counsel for the parties.

2. The petitioner, an accused in Rajgir P.S. Case No. 139 of 2015, has invoked the jurisdiction of this Court for directing the Investigating Officer to submit report to the learned Magistrate before whom the C.C.T.V. footage was produced by the Investigating Officer as part of further investigation after submission of report under Section 173 of the Criminal Procedure Code, 1973.

3. The learned Magistrate after submission of the report

and on an application on behalf of the Investigating Officer granted permission to the Investigation Officer on 22nd of December, 2015 to examine video footage of 26th of June, 2015 from 09:30 to 11:30 P.M. Later on 22nd of December, 2015, by another order, the matter was sent to Forensic Science Laboratory, Kolkata after signing of the hard disc.

4. Argument of the learned counsel for the petitioner is that after such order, the police should be directed to furnish a report to the Magistrate after the report of the Forensic Science Laboratory.

5. I do not find any merit in the argument raised by learned counsel for the petitioner.

6. Even after report, it is for the Investigating Officer to rely upon such evidence which it thinks fit and appropriate in the matter. There cannot be any direction to the Investigating Officer to investigate in a particular manner and submit report accordingly.

7. In view thereof, I do not find any merit in the present writ petition. The same is dismissed.

(Hemant Gupta, J)

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