

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1279 of 2015

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

Bhawan Jee Jha, Son of Braj Kishor Jha, resident of Village - Mechhaul, P.S. - Sakari, District - Madhubani.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Home Department, Sachiwalaya, Patna.
2. Directorate General of Police, Sachiwalaya, Patna.
3. Inspector General of Police, Darbhanga.
4. Deputy Inspector General of Police, Darbhanga.
5. Superintendent of Police, Madhubani.
6. Officer-in-charge of Sakari Police Station.
7. Investigation Officer, Sakari Police Station.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Tiwary, Advocate

For the Respondent/s : Mr. A.K. Upadhyay, SC-20

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-03-2016

The petitioner has been made a named accused in Sakari P.S. Case No. 23 of 2015 registered under Sections 323, 363, 366, 376 and 504 of the Indian Penal Code.

By way of preferring the present application under Articles 226 and 227 of the Constitution of India, he seeks a direction to be issued to the respondents to conduct investigation of

the case in a particular manner and stay execution of warrant of arrest till investigation is conducted as desired by the petitioner.

In my view, the application is not only misconceived but is also an abuse of the process of the Court. It is well-settled that to hold investigation into a cognizable offence is the statutory right of the police. Neither the accused nor the informant of the case has got any right to dictate the manner in which an investigation into a cognizable offence ought to be conducted.

In that view of the matter, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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