

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.348 of 2016

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1. Sanjani Devi W/o Umesh Singh, Resident of Village - Khargi Tirasi,
P.S. - Gangour, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Bihar, Munger Division Munger.
4. The Deputy Inspector General of Police, Munger, Division, Munger.
5. The Superintendent of Police, Khagaria, District - Khagaria.
6. The District Magistrate, Khagaria, District - Khagaria.
7. The Deputy Superintendent of Police, Khagaria- Sadar, District - Khagaria.
8. The Station House Officer (S.H.O. Khagaria (Gangour) Police Station, District, Namely Mr. Abhishek Kumar.
9. Investigation Officer Khagair (Gangour), Police Station, District - Khagaria namely Mr. Anand Mohan Singh.
10. The Superintendent of Police Begusarai, District - Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar

For the Respondent/s : Mr. Sheo Shankar Prasad (Sc 10)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 20-06-2017 The husband of the petitioner is an accused in Khagaria (Gangour) P.S. Case No. 802 of 2015 registered on the basis of a written report of Ranjana Devi. Ranjana Devi has alleged that the husband of the petitioner and others fired at Rahul Singh, the husband of the informant and caused his death near Water Wage Bandh within the police station of Gangour, District- Khagaria.

The petitioner has invoked writ jurisdiction of this Court to direct the respondent- authority not to arrest her husband in connection with the aforesaid police case and to give protection



to his life and property as the case was maliciously and perversely registered by the Gangour police station though the dead body was recovered from the jurisdiction of a different police station within adjoining district of Begusarai.

The State- respondents in their counter affidavit have stated that, in fact, the occurrence of murder took place in presence of the informant within the territorial jurisdiction of Gangour police station. Hence the police station was competent to register the case. Even if it is assumed that the dead body was found within the different police station that cannot oust the jurisdiction of Gangour police station.

The specific provisions contained in Sections 156, 157 and 177 to 179 Cr.PC. and relied by the respondents are being reproduced below:

“156. Police officer's power to investigate cognizable case

(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.



157. Procedure for investigation

(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that—

(a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

(b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements to that sub-section, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be Investigated.

177. Ordinary place of inquiry and trial—
Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.

178. Place of inquiry or trial



- (a) When it is uncertain in which of several local areas an offence was committed, or
- (b) where an offence is committed partly in one local area and partly in another, or
- (c) where an offence is a continuing one, and continues to be committed in more local areas than one, or
- (d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

179. Offence triable where act is done or consequence ensues -

When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.”

A perusal of the aforesaid provisions of Cr.P.C. clearly reveals that the police has sufficient power to register a case relating to cognizable offence. It has power to investigate the case of territorial jurisdiction coming under the judicial power of the magistrate to enquire and try. Therefore, the present investigation cannot be faulted with. Moreover, the husband of the petitioner is an accused in a criminal case, hence he has remedy under the law in respect of that case to get protection to his life and property. Therefore, this Court cannot, in exercise of its extra ordinary jurisdiction, interfere with the matter.

In the result, this writ application has got no merit



and accordingly, the writ petition stands dismissed.

(Birendra Kumar, J)

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