

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.29 of 2017

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Dr. Kaushalya Keshri, Wife of Dr. Shambhu Sharan Prasad, resident of
Village- Majhauria, P.S.- Majhauria, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, West Champaran.
4. The Sub Divisional Police Officer, Bettiah.
5. The Station House Officer of Majhauria Police Station in the District of West Champaran.
6. Mr. Ashok Kumar, Sub Inspector-cum- Investigating Officer, Majhauria Police Station in the District of West Champaran.
7. Nardendrajeet Singh @ Narender Jeet Singh @ Narender Jeet Singh @ Narinderjeet Singh, Son of Late Sardar Bhajan Singh, Resident of Majhauria, Police Station- Majhauria, District- West Champaran.
8. Tejpal Kaur, Wife of not known to the petitioner, Resident of Majhauria, P.S.- Majhauria, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Prabhat Kumar Verma (Aag-3)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-10-2017

Heard the parties.

This writ application has been preferred for direction to the respondent authority to complete the investigation of Majhauria P.S. Case No. 310 of 2015 within a reasonable time.

The State respondents have filed a counter affidavit stating therein that the investigation has already been completed and the charge sheet has been submitted.

Second prayer is for direction to the respondents to arrest respondent no.7, who is an accused in the aforesaid case.



Learned counsel for the State submits that respondent no.7 has already been declared absconder after exhausting all the process for procuring his attendance. In the circumstances no further persuasion is required in the matter. Moreover, the Writ Court cannot direct the investigating agency to arrest any accused, which is discretion of the investigating agency in view of the judgment of the Hon'ble Apex Court in the case of M.C. Abraham –vrs- State of Maharastra & ors. reported in (2003) 2 SCC 649.

Since substantial grievance of the petitioner has already been redressed, no further persuasion is needed in this writ application. Accordingly it stands disposed of.

(Birendra Kumar, J)

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