

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.27 of 2017

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

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Sanjeeda Khatoon, W/o Md. Rustam, R/o Dumari Masjid tola, O.P. Sindhaul, P.S.-
Mufassil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The S.D.P.O., Begusarai.
5. The Officer-in-Charge, Town Police Station, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.
For the Respondent/s : Mr. M.N.H. Khan, SC-1
Mr. Md. Naushaduzzoha, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-05-2017

Heard the parties.

2. The petitioner along with Sirajuddin is informant of Begusarai Town P.S. Case No.37 of 2017 registered under Sections 420, 406 and 120B/34 of the Indian Penal Code against the named accused persons. Prayer in the writ application is for issuance of mandamus for conduct of proper, fair and effective investigation of the aforesaid case through an independent and competent agency.

3. According to FIR, a fictitious company Prime Future Real State India Ltd. and Prime Future Grant Farming India Ltd. through its agents, who are named accused, induced the innocent



people to deposit the money. After deposit of the money, the company fled away along with Rs.4 crore 40 lacs of different depositors.

4. Counter affidavit of the State respondents reveals that after investigation charge-sheet has already been submitted in this case, firstly on 30.09.2014 against accused Md. Gyasuddin @ Gyas Alam and thereafter on 23.06.2015 against the remaining accused as well as the petitioner who is also shown to be an accused in the case.

5. Submission of the petitioner is that the petitioner suspected unfair approach of the police, and therefore, she filed a petition before the Superintendent of Police, Begusarai on 27.03.2014 stating therein that the investigating officer is not recording the statement of the prosecution witnesses nor arresting the accused persons. Thereafter, on 04.04.2014, a protest petition has been filed in the court of learned Chief Judicial Magistrate, Begusarai supporting the First Informant Report and disclosing that in such type of serious allegation of cheating, the conduct of the police creates apprehension to the petitioner that police may file charge-sheet distorting the prosecution case.

6. Learned counsel for the State-respondents submits that since the charge-sheet has already been filed, protest petition is already there and the statement of the prosecution witnesses on oath is also there before the learned Magistrate, hence, there is sufficient



scope for taking proper care by the learned Magistrate. Moreover, this Court should not exercise its extraordinary jurisdiction for a direction for reinvestigation of the case in each and every matter. Present case does not justify reinvestigation of the case.

7. After hearing the parties, I am of the view that there is no sufficient disclosure of material to justify reinvestigation of Begusarai Town P.S. Case No.37 of 2014 wherein charge-sheet has already been submitted against some of the named accused persons as well as against the informant. Therefore, this writ application is dismissed as devoid of any merit.

(Birendra Kumar, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2017
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