

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2454 of 2017

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

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Bhupendra Narayan Singh S/o Rajeshwar Sharma, R/o Nauhari , P.S.- Sigori ,
District- Patna.

.... Petitioner

Versus

1. The State of Bihar Through The Director General of Police, Bihar.
2. The Senior Superintendent of Police, Patna.
3. The Superintendent of Police, (Rural), Patna.
4. The Depluty Superintendent of Police, Paliganj, Patna.
5. The Station House Officer, Paliganj, P.S., Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Respondent/s : Mr. Partha Sarthy

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 27-04-2018

Heard learned counsel for the petitioner as well
as learned counsel representing the State.

The grievance of the petitioner is that the
Investigating Officer who is in seisin of the investigation of
the Paliganj P.S. Case No. 37/2016 is not completing the
investigation of the case, and in the process, despite attempts
having been taken by this petitioner to persuade the
Investigating Officer through the process of the court to record
the statement of father of the petitioner namely, Rajeshwar
Sharma, the Investigating officer is not taking any interest in
the matter.

It is thus submitted that due to non-completion



of investigation for about two years, the case is not progressing.

Learned counsel for the State is present. However, in the nature of the grievance of the petitioner he has nothing to oppose the writ application.

Considering the facts and circumstances as also the submissions advanced before this court, I am of the considered opinion that only because Code of Criminal Procedure is not providing the maximum period for completion of investigation of the case, the Investigating Officer cannot be allowed to keep it pending over two years. The court in seisin of the matter will ensure by monitoring the progress in investigation through the present Investigating Officer and ensure that the investigation is completed within a period of three months from the date of receipt/production of a copy of this order.

The Investigating Officer is also directed to comply with the order of the court, record the statement of all the witnesses and submit a report under Section 173 of the Code of Criminal Procedure within the aforesaid period. If he fails to complete the investigation within the said period without showing any plausible reason to the court below, the



court below shall consider changing of the Investigating Officer by bringing it to the notice of the superior authorities of the Investigating Officer in the concerned department.

This writ application is disposed of with the aforesaid directions.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
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