

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2694 of 2015

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1. Surendra Singh Son of Late Dhanushdhari Singh Resident of Mohalla - River Valley Colony Rajopatty, P.S. Mehsaul (O.P.), District Sitamarhi, At present posted as A.S.I. Muffasil, Police Station Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Zone, Muzaffarpur.
4. The Deputy Inspector General of Police, Champaran Range, Bettiah.
5. The Superintendent of Police, East Champaran, Motihari.
6. The Sub-Divisional Police Officer (Sadar), Motihari.
7. The Enquiry Officer-cum-Sub-Divisional Police Officer, Sikrahna (Dhaka), East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Respondent/s : Mrs. Nutan Sahay, AC to AAG

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 31-08-2018

Heard learned Counsel for the petitioner and the State.

2. The short submission by the Counsel for the petitioner is that in the proceeding conducted against the petitioner in exercise of powers conferred under Article 828(C) of the Police Manual, the DSP, who has been authorized to record the case, is the same person who has submitted supervision report in the case in respect of which the allegations of faulty investigation have been leveled against the petitioner.

3. The brief fact is that the petitioner's finding in the investigation, as Investigating Officer, and the supervision report of the said DSP are at variance. The findings of the DSP has been sustained by the SP by discrediting the finding in the investigation of the petitioner. In the circumstances, it is submitted by the petitioner's Counsel that handing over the procedural exercise to the same DSP, who has already discredited his investigation, gives rise to reasonable likelihood of bias.



Such submission of the petitioner, if true, it is a glaring example of the authority (DSP) acting as a Judge in his own cause.

4. This issue has not been raised by the petitioner before the authorities either in response to the notice under Rule 828(C) of the Bihar Police Manual or in his appeal filed before the Deputy Inspector General of Police, Champaran Range, Bettiah.

5. This allegation, however, if correct would result in gross violation of the principle of natural justice. This Court would thus allow liberty to the petitioner to raise this issue before the Appellate Authority. If the petitioner is desirous of availing the liberty, then such application should be filed within four weeks from today. In the event such an application is filed, the Deputy Inspector General of Police, Champaran Range, Bettiah would be obliged to reconsider his order dated 18.12.2014 bearing Memo No. 1036 in light of the application to be filed by the petitioner after verifying the allegations of the petitioner from the record.

6. With the aforesaid observations the writ petition stands disposed of.

(Madhuresh Prasad, J.)

Snkumar/-

AFR/NAFR	NAFR
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