

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2206 of 2017

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Dr. Pramod Kumar Sinha, Son of Late Deo Sharan Sharma, at present Principal, D.N. College, Masaurhi, Post & Police Station- Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna Zone, Patna.
5. The Deputy Inspector General of Police, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Superintendent of Police (Rural), Patna.
8. The District Magistrate, Patna.
9. The Sub Divisional Officer, Masaurhi, Patna.
10. The Sub- Divisional Police Officer, Masaurhi, Patna.
11. The Station House Officer, Masaurhi Police Station, District- Patna.
12. Mr. Ranveer Nandan, MLC cum President of Ad-hoc Committee, D.N. College, Masaurhi, District- Patna.
13. Dr. Anil Kumar Sinha, Professor, History Department, D.N. College, Masaurhi, Patna.
14. Dr. Birendra Prasad Sinha, Professor, Statistics Department, D.N. College, Masaurhi, Patna.
15. Rajeshwar Singh, Professor, History Department, D.N. College, Masaurhi, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chakrapani, Adv.
Mr. Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr. P. K. Verma (AAG 3)
Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

It appears from the supplementary affidavit filed on behalf of the petitioner in the writ application that an FIR giving



rise to Masaurhi P.S. Case No.615 of 2017 has been registered on 8.12.2017 arising out of Complaint Case No.369(C)/2017 filed by the petitioner in the court of learned SDJM, Masaurhi. The grievance of the petitioner is that accused-respondent no.12 is sitting in an influential position being MLC as the Treasurer of ruling JDU as well as President of Adhoc Committee of D.N. College, Masaurhi, the investigating officer is not conducting the investigation in accordance with law and with some urgency on priority basis. The grievance is also that the FIR has not been registered under the proper provisions in terms of the allegations contained in the complaint petition.

On the other hand, learned counsel representing the State submits that even though there has been some delay in lodging the FIR, but at least as on today there is no prima facie material to show that the respondent no.12 is influencing the investigating officer in proper investigation of the case.

Be that as it may considering the fact that the FIR has already been registered, no purpose would be served by keeping this writ application pending before this Court. In view of the judgment of the Hon'ble Apex Court in the case of **Sakiri Vasu Vs. State of U.P. & Ors.** reported in (2008) 2 SCC 409 which has been recently followed in the case of **Sudhir**



Bhaskarrao Tambe Vs. Hemant Yashwant Dhage & Ors.

reported in (2016) 6 SCC 277, the learned S.D.J.M. or the ACJM wherever the case is pending is well competent to monitor and supervise the case. If the present investigating officer fails to properly investigate the matter, the petitioner will be at liberty to file an application before the learned Judicial Magistrate seeking change of the investigating officer and upon filing of such application the learned Magistrate shall consider the same with some urgency on priority basis and shall pass an appropriate order and shall ensure that the case is properly investigated by the I.O.

In view of such judicial pronouncements, the learned Magistrate is well competent to pass an appropriate order including an order for change of the investigating officer if so required in the facts and circumstances of the case.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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