

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.877 of 2017

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Lakshmi Prasad Nayak, son of Late Ramyash Nayak @ Late Ram Path Nayak, resident of Mohalla- Adarsh Nagar, Ward No.16, Police Station and District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Officer In-charge, Araria Police Station Araria.
3. The Dy. S.P. (H. Qr), Araria.
4. The Additional S.P., Araria.
5. The Superintendent of Police, Araria, District- Araria.
6. The Deputy Inspector General of Police, Purnia. null null
7. The Inspector General of Police, Darbhanga.
8. The Addl. Director General of Police (W.Section), Bihar, Patna.
9. The Director General of Police, Bihar, Patna.
10. The Additional Director General, Indian Adhar Card Tribunal, Zonal Office, Ranchi, 1st floor R.I.A.D.A., Central Karayal Bhawan, Namkum Industrial Area, Near S.T.P.I. Nawadih, Ranchi.
11. The Assistant Director General, Camp Office, Patna, Indian Adhar Card Tribunal, Lalit Bhawan, Bailey Road, Patna.
12. Jabintara Khatoon, Daughter of Aatur Rahman, wife of Manjar Alam @ Bhola @Jabintara Devi @ Tara Devi, wife of Ramprit Rajak (Ex. A.S.I. of Police Araria), resident of Village- Nagwara, Police Station- Katra, District- Muzaffarpur at present resident of Mohalla Om Nagar, Ward No.8, Police Station and District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Respondent/s : Mr. Md. Nadeem Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner in the present case has prayed for following reliefs:-

“a. For issuance of a direction to the respondents-Police Officials to expedite the



investigation of the Araria P.S. Case No.375 of 2015 lodged by the petitioner.

b. For issuance of a direction to the respondent authority to take proper investigation without unnecessary delay.

c. For issuance of a direction to the respondents – Police Officials to arrest the respondent no.12 at once in a nonailable instant case pending against her for the ends of justice.

d. For issuance of a direction to the respondents authority to take up the pending investigation and submit final report according to evidence collected against her in accordance with the law.

e. For any other relief or reliefs as deemed fit and proper in the interest of justice.”

Earlier vide order dated 30.11.2017, the State-respondent was directed to file counter affidavit within four weeks.

Learned counsel for the State submits that he has sent letters to the S.P., Araria, but no instruction has come so far.

Grievance of the petitioner is that though a police case was registered on 28.07.2015, but the investigation in the case is still pending for no plausible reason. His limited prayer is that once the case has been registered, it has to be brought to a



logical end by properly investigating the matter and then by submitting a report based upon the said investigation. The police authority has failed to do so in the present case.

Since despite time granted the S.P., Araria has not sent any instruction, it appears to this Court that the Superintendent of Police, Araria and the concerned investigating officer as also the Senior Superintendent of Police are not seriously taking the case. In the circumstances, the Superintendent of Police, Araria is hereby directed to ensure that if the investigation in connection with Araria P.S. Case No.375 of 2015 is not completed till date, it must be completed within a period of three months from the date of receipt/production of a copy of this order.

It should be remembered that even though the Criminal Procedure Code does not contain any provision fixing a maximum time limit for completion of the investigation, it is incumbent upon the police authorities to complete the investigation within a reasonable period and in any case a lapse of over three years in completion of investigation cannot be appreciated. If the investigation is not conducted and final police report is not submitted within the aforesaid period, the Senior Superintendent of Police, Araria will have to explain the reasons



thereof and he will have to bear the responsibility for non-compliance with the Court's order.

Let a copy of this order be sent to the Director General of Police, Bihar to remind him that the investigation in the case like the present one is pending for so long and no reason is being shown by the Senior Superintendent of Police, Araria despite being given an opportunity by the Court. Some corrective measures would be required to be taken at the earliest.

The writ application is disposed of with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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