

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.765 of 2018

Arising Out of PS. Case No.-74 Year-2015 Thana- FATUHA District- Patna

Shivnath Prasad, Son of Basudeo Prasad, resident of Mohalla Patel Nagar
Sonaru Road, P.S. Fatuha, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Superintendent of Police, Patna.
4. The Officer Incharge of Fatuha Police Station.
5. The Investigating Officer of Fatuha, P.S. Case No. 74/2015.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar
For the Respondent/s : Mr. Md. Nasrul Huda Khan (Sc1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2018 This writ application has been preferred for a direction to the Investigating Officer (respondent no. 5) to conclude the investigation and to submit a police report in terms of Section 173 of the Code of Criminal Procedure in respect of Fatuha P. S. Case No. 74 of 2015 dated 15.02.2015.

Learned counsel for the petitioner submits that in this case despite the fact that it is a case where one person was murdered, no steps has either been taken towards arrest of accused or to complete the investigation. It is submitted that only because in Code of Criminal Procedure there is no provision providing for the maximum period within which the investigation is to be completed, it does not mean that an



Investigating Officer shall be sitting over the matter and no action shall be taken for a period of more than three years.

Learned counsel for the State is present. No instruction is there with learned counsel to inform this Court as to the stage of the investigation.

In the given facts of the case, instead of keeping this matter pending, at this stage, the Senior Superintendent of Police, Patna, Officer-in-Charge of Fatuha Police Station and the Investigating Officer of the case are directed to look into the grievance of the petitioner which seems to be genuine because the investigation is pending for more than 3 years. The Senior Superintendent of Police, Patna shall review the matter within a week from the date of receipt/production of a copy of this order and shall issue necessary instruction to the Investigating Officer and the Officer-in-Charge of the concerned Police Station to complete the investigation within a period of 90 days from the date of the order. If the named accused persons have not been arrested, necessary steps towards the arrest of the accused persons be taken, if he/they are not on bail.

In case the investigation is not completed within the aforesaid period, the petitioner will be at liberty to file an application before the learned Magistrate in whose court the



matter is pending with a request to direct the Senior Superintendent of Police, Patna to change the Investigating Officer and to pass such other order which may be required towards completion of investigation.

The learned Magistrate shall in exercise of his power to supervise and monitor the investigation of a case within his jurisdiction shall issue necessary direction to the Police authorities. In case of violation of the order of the court below by the Police authorities, the matter will be reported to this Court for initiation of a contempt proceeding.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

