

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1278 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- MAIRWA District- Siwan

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Smt. Usha Devi W/o Sri Munib Prasad R/o Village - Aatwan, P.S. - Mairwa,
P.O. - Vilashpur, District - Siwan, Pin - 841239.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police Govt. of Bihar, Patna.
2. The Inspector General of Police, Saran Range, Saran.
3. The Deputy Inspector General of Police, Saran Range, Saran.
4. The Superintendent of Police, Siwan.
5. The Sub-Divisional Police Officer, Siwan.
6. The Officer-in-Charge, Mairwa Thana, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akshay Lal Pandit
For the Respondent/s : Mr. Md. Nadeem Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2018 The petitioner has moved this Court seeking a direction to the respondent authorities specially the Police Officials who have been arrayed as respondent nos. 5 and 6 respectively to conduct a proper investigation in Mairwa P. S. Case No. 27 of 2018 dated 02.02.2018.

The grievance of the petitioner is that the Investigating Officer of the case is not recording the statement of the witnesses in terms of Section 161 of the Cr.P.C. and other steps which are required to be taken are not being taken in accordance with law.

Learned counsel for the State is present and submits



that this first information report has been lodged recently on 02.02.2018 and the petitioner seems to have rushed to this Court in hurry. In the nature of allegations, learned counsel submits that the Investigating Officer would record the statement of witnesses in accordance with the provisions of the Code of Criminal Procedure and would submit a report within a period of six months.

In view of the submissions of the learned counsel for the State, this writ application is being disposed of with a direction to the Investigating Officer to conduct the investigation of the case properly by recording the statement of the witnesses by following the procedures established by law. The petitioner, if feels aggrieved by the inaction of the Investigating Officer, may approach to the court below by filing an appropriate application seeking proper direction to the Investigating Officer.

Needless to say that in view of the judgment of the Hon'ble Supreme Court in the case of **Sakiri Basu Vs. The State of U. P. and Ors.** reported in **(2008) 2 SCC 409**, the court below shall competent to issue such instruction and direction to the Investigating Officer which will be in accordance with law for conclusion of the investigation within a reasonable time.



This writ application stands disposed of in the terms
as stated above.

(Rajeev Ranjan Prasad, J)

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