

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.658 of 2017

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Mahanth Jaisant Das, son of Late Mahanth Ram Chandra Das,
resident of village – Fulma, P.O. Fatehpur, P.S. – Akbarpur,
District – Nawada.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary,
Department of Home, Bihar, Patna
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Magadh Range, Gaya.
5. The Deputy Inspector General of Police, Magadh Range,
Gaya.
6. The Superintendent of Police, Nawada
7. The Deputy Superintendent of Police, Rajauli, District –
Nawada
8. The S.H.O. of Akbarpur Police Station, Akbarpur, District –
Nawada
9. The District Magistrate, Nawada
10. The Sub-Divisional Officer, Nawada, District – Nawada
11. The Circle Officer, Akbarpur, District – Nawada
12. The Chairman-cum-Administrator, Bihar State Religious
Trust Board, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun
For the Respondent/s : Mr. Sheo Shankar Prasad (Sc8)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 17-01-2018

Pursuant to the order dated 21.12.2017 passed

by a co-ordinate Bench of this Court, the Superintendent of
Police, Nawada and Station House Officer, Akbarpur are
physically present.

This Court has been informed that in fact
police has registered an F.I.R. and the matter is under



investigation. In this view of the matter, nothing remains for adjudication in the present case. Needless to say that the investigation will be conducted by police to find out the truth and in accordance with law.

Before this Court would part with this case, it would be just and proper to remind learned counsel for the petitioner that long back in the case of **Sakiri Vasu Vs. State of U.P.** reported in (2008) 2 SCC 409 which has been followed in the case of **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage** reported in (2016) 6 SCC 277. The Hon'ble Supreme Court has settled the legal position as regards the power of the Magistrate under Section 156(3) Cr.P.C. to direct lodging of an F.I.R., if a complaint or an application filed before him discloses commission of a cognizable offence, the Magistrate has got power to direct proper investigation as also to monitor and supervise the investigation so that it reaches to its logical end. The Hon'ble Supreme Court has taken a view that if the constitutional courts start entertaining application under Article 226 for such purposes it will be flooded with this kind of applications and therefore this Court should discourage entertaining such application under Article 226



of the Constitution of India.

It is expected that the judgment of the Hon'ble Supreme Court will be kept in mind while taking steps for filing of such applications in future.

This application has become infructuous. It is, accordingly, dismissed.

Personal appearance of Superintendent of Police, Nawada and Station House Officer, Akbarpur is dispensed with.

(Rajeev Ranjan Prasad, J.)

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