

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1131 of 2018

Arising Out of PS.Case No. -612 Year- 2017 Thana –Maner Police Station District- PATNA

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Devanti Devi, Wife of Sri Surendra Singh, Resident of Village- Karsar, Police Station- Sonbarsa, Nawanagar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Police Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The City S.P. Patna.
5. The S.D.P.O. Danapur District- Patna.
6. The S.H.O. Maner Police Station, District- Patna.
7. The Branch Manager, Sri Ram Transport Finance Company Limited Ara, Katira More, Ara, P.S. - Ara Nawada, District- Bhojpur.
8. Harendra Son of Bharat Chaurasiya. Resident of Village- Kacchi Talab, Maner, Police Station- Maner, District- Patna.
9. Sri Jaynath Prasad, Son of Sri Hari Shankar Prasad, Resident of Village + Post- Mirganj, P.S.- Mirganj, District- Ara.
10. L and T Finance Limited, L & T Huse, N.M. Marg, Ballard, East Mumbai - 400001.
11. Mahindra and Mahindra Finance Services Ltd. Ambedkar Chauk, Near Judge Kothi, Buxar Town Thana, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 11-05-2018

This writ application has been preferred seeking a direction to the police officer to investigate the case being Maner Police Station Case No.612 of 2017 dated 13.12.2017 registered for the offences under Sections 341, 323, 385, 379/34 of the Indian Penal Code.

The petitioner has narrated in the writ application that the truck in question has been forcibly taken away by the agent of the M/s Sriram Transport Finance Company Limited even though she has never taken any loan or financial assistance from the said Sriram Transport Finance Company Limited. Learned counsel representing the petitioner has pointed out that in fact the husband of the petitioner has purchased the truck which has been financed by M/s Sriram



Transport Finance Company Limited and because of failure on the part of her husband to remit the monthly installments against the finance obtained by him, the vehicle of this petitioner has been forcibly taken away. It is submitted that this petitioner has not even stood as a guarantor with the loan obtained by her husband. The writ application points out some high-handedness on the part of the agent of M/s Sriram Transport Finance Company Limited in the matter of snatching and taking away the vehicle from the possession of the petitioner.

Since the petitioner has already lodged a First Information Report, it would be the duty of the police officer to investigate the case to find out the truth and for this purpose he will be required to act with some urgency so that if the grievance of the petitioner is found to be correct and the allegations are found to be true, appropriate remedial measures will be taken by the Investigating Officer well before the truck of the petitioner is dealt with or otherwise disposed by M/s Sriram Transport Finance Company Limited. The Investigating Officer shall take immediate action towards finding out the truth and submit his report in this regard within a period of 90 days from today in the Court of learned Chief Judicial Magistrate, Patna. It is made clear that this Court has not gone into the correctness of the statements made by the petitioner and it is left open for the Investigating Officer to find out the truth.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	NAFR
CA V DATE	N/A
Uploading Date	15.05.2018
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