

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1414 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

=====

Sunita Singh W/o Satyendra Kumar Singh, R/o Vill. and P.O.- Karpoorigram, Nirpur, P.S. and Distt.- Samastipur, presently residing at Mohalla- Lalji Tola, P.S.- Gandhi Maidan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar, Through The Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Patna.
5. The Station House Officer, Rajeev Nagar, P.S., District- Patna.
6. The Assistant Sub - Inspector, Rajeev Nagar, P.S., District- Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Nikhil Kr. Agarwal, Advocate

For the Respondent/s : Mr. Ravi Verma, A.C. to G.P.4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 16-08-2018

Perused the enquiry report received from the court of Sri Abhijit Kumar, learned A.C.J.M.-III, Patna. According to this report when the learned A.C.J.M.-III, Patna called for the records of Rajeev Nagar P.S. Case Nos. 157/2017 and 132/2017 and went through the same, he found that an application dated 21.02.2018 had indeed come to be filed in Rajeev Nagar P.S. Case No. 132/2017, but filing of the said application could not be mentioned in the order-sheet by the office. A plea has been taken that it could only be traced out on 30.07.2018, meaning thereby that after this court, vide its order dated 26.07.2018 called upon the learned A.C.J.M.-III, Patna to examine,



verify and enquire into the matter. A copy of the application dated 21.02.2018 has been brought on record with report as Annexure-1.

This court has perused the said application. It is apparent from the same that it does not bear any court seal which is required to be put over any document which is filed in a court proceeding, this kind of document which does not bear court seal and is not mentioned in the order-sheet of the case file, if allowed to be entertained and be given a status of the court record, this court is afraid that in such a situation the court may be flooded with such kind of application or document which may be created at any stage by taking the persons, in position in office of the court, in confidence and conspiracy and this may be a disastrous situation where the sanctity of the court record will be gone.

Since the manner in which the application dated 21.02.2018 has now been shown as part of the order does not inspire confidence to this court, the learned District & Sessions Judge, Patna is directed to look into the matter, examine it and then take appropriate steps not only to constitute an enquiry in the matter to find out how and in what circumstances such application or letter, which does not bear seal of the court and not mentioned in the order-sheet of the file, has formed part of the record. It is expected that the learned District & Sessions Judge, Patna shall take the enquiry to its logical



conclusion, and at the same time shall come out with some sort of directions to the presiding officers of the court to ensure that the record of the case file must mention filing of a document in the court proceeding in accordance with the rules and guidelines issued on this behalf.

Let a copy of this order be sent to the learned District & Sessions Judge, Patna for necessary action.

With the aforesaid directions, this application is disposed off.

Rajeev/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2018
Transmission Date	16.08.2018

