

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.146 of 2017

Arising Out of PS. Case No.-99 Year-2016 Thana- SULTANGANJ District- Patna

Manorama Devi @ Meena Singh, W/o Late Bharat Kumar Singh, a resident
of Mohalla- Mahendru Training School, P.S.- Sultanganj, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Patna.
5. The Sub-Divisional Police Officer, Patna City.
6. The Station House Officer, Sultanganj.
7. The Investigation Officer of Sultanganj P.S. Case No. - 99/16.

... .. Respondents

Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate
For the Respondents-State: Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 03-07-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondents to complete the investigation of Sultanganj P.S. Case No.99 of 2016 registered inter alia under Section 302/34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the petitioner that though the aforesaid police case was registered on 01.06.2016, the investigation of the case has not been completed.



3. Learned counsel appearing for the State submitted that during course of investigation, CDR of mobile phones number, CCTV footage of deceased family and other suspects were obtained but they could not throw much light about the involvement of the accused persons in the first information report. Several persons were also interrogated but still no clue was found. The investigation is being done in a proper and fair manner and the same would be concluded soon.

4. Be that as it may, to hold investigation into a cognizable offence is the statutory right of police. At this stage, normally the court has no say. However, while exercising such right, the police cannot sit tight over the matter and keep the investigation pending for an indefinite period. A sensitive and committed investigating agency is the need of hour. A case of murder cannot be kept pending for investigation for over three years. In an appropriate case, if the court would come to a conclusion that the investigation is not fair or impartial or sensitive, it may order for the change of the investigating agency.

5. However, before doing so, this Court would like to give an opportunity to the investigating agency to wake up from its deep slumber and complete the investigation in a fair and impartial manner.



6. Accordingly, I direct the Senior Superintendent of Police, Patna to personally look into the matter and ensure that the investigation of the case is completed without any further delay with full sensitivity and commitment.

7. Registry is directed to send a copy of the order to the Senior Superintendent of Police, Patna forthwith.

8 With the aforesaid observations and direction, the writ petition is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
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