

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.815 of 2019

Arising Out of PS. Case No.-178 Year-2017 Thana- BANMANKHI District- Purnia

Vina Devi wife of Manoj Kumar Yadav, Resident of Gandhi Chowk, tamtam
Stand, Banmankhi, P.S.- Banmankhi, District -Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna
2. Director General of Police, Govt. of Bihar, Patna
3. The Inspector General of Police, Darbhanga, District - Darbhanga
4. The Deputy Inspector General of Police, Purnea, Regional Purnea
5. Senior Superintendent of Police, Purnea, District - Purnea
6. The Sub Divisional Police Officer, Purnea, District-Purnea
7. The Officer Incharge of Banmankhi Police Station, District -Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-05-2019

The defect, as pointed out by the registry, is ignored.

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for a direction to the official respondents to hand over Banmankhi P.S. Case No.178 of 2017 dated 29.07.2017, Banmankhi P.S. Case 326 of 2017 dated 22.12.2017 and Banmankhi P.S. Case 327 of 2017 dated 22.12.2017 to an independent agency so that the real culprits may be prosecuted and innocent persons like the husband and son of the petitioner may be exonerated from the prosecution in a false case.



3. Learned counsel for the petitioner submitted that the police have framed the husband and the son of the petitioner in three different cases only because they used to oppose the high handedness on the part of the police. When they gave information to the police with regard to involvement of some persons in selling illicit liquor, the police have implicated them in a false and frivolous cases.

4. Learned counsel for the State contested the matter. He submitted that the application is totally misconceived. An accused in a criminal case has got no right to choose investigating agency of his choice. He has also submitted that the petitioner has got no locus standi in the matter to represent on behalf of her husband and son.

5. Having heard learned counsel for the parties, I find substance in the submission of the learned counsel for the State. There is nothing on the basis of which it can be presumed that the investigation in connection with the cases instituted against the husband and son of the petitioner are false or they have been illegally framed by the police. To investigate a cognizable offence is the statutory right of police. In absence of any material to support the submission that investigation is tainted, no presumption can be raised against the action of the police. It has



rightly been pointed out by the learned counsel for the State that an accused in a criminal case has no discretion to choose an investigating agency of his choice. Moreover, the accused persons in a criminal case cannot enter into a proxy litigation through someone else. They are adult and if they have any grievance, they should have themselves approached the court. The petitioner has got no locus standi in the matter.

6. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

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