

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1028 of 2019

Arising Out of PS. Case No.-406 Year-2018 Thana- RAHUI District- Nalanda

ALAKHDEO PASWAN @ PUTUS PASWAN Son of Late Karaila Paswan
Resident of Village - Sasandi, P.S.- Rahui, District - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Bihar, Patna.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Deputy Superintendent of Police, Sadar, Biharsharif, Nalanda.
6. The Officer Incharge of Rahui Police Station, District - Nalanda.
7. The Investigating Officer of Rahui Police Station Case No. 406 of 2018. Bihar
8. Laxmi Devi Wife of Bipin Yadav Daughter of Balram Yadav, Resident of Village - Sasandi, P.S.- Rahui, District - Nalanda.

... .. Respondents

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate
For the Respondent-State: Mr. Prabhat Kumar Verma, AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-07-2019

Heard learned counsel for the petitioner and learned counsel for the State.

2. This application has been filed by the petitioner for directing the respondent-authorities to make a fair investigation of Rahui Police Station Case No. 406 of 2018 registered under Section 376-D of the Indian Penal Code.



3. Learned counsel for the petitioner submitted that the victim was having affairs with accused Karu Paswan. She is a married lady. However, she was not living in her matrimonial home and was living in her sasural. The petitioner being a chaukidar of the village had objected to the illicit relation of the victim with Karu Paswan. Since the petitioner had opposed the activities of the victim, his name has been falsely given in the FIR as one of the accused. He submitted that having come to know about the involvement in the police case, the petitioner made representation to the superior police officers for proper investigation of the case. However, his representation has not yet been disposed of. He contended that having regard to falsity of the case, a direction be issued issued to the superior police authorities to ensure fair investigation in the case.

4. Per contra, learned counsel appearing for the State submitted that the submissions made by the petitioner are in the nature of defence taken by him. The defence taken by the petitioner can be examined by the police in course of investigation. There is no material on record to suggest that the investigation is not being conducted in a fair and impartial manner. According to him, no direction is required to be issued as the investigation into a cognizable offence is the statutory right of the police.



5. Having heard the parties and perused the record, I find that the prayer of the petitioner is misconceived. There is no doubt that a sensitive and committed investigating agency is the need of hour. A fair and impartial investigation would instill faith in criminal justice system. However, it is equally true that to hold investigation into a cognizable offence is the exclusive domain of the police. At this stage, the court has no say. An accused in a criminal case cannot determine the manner in which an investigation should be conducted. The investigation of a cognizable offence is supposed to be confidential in nature. It has rightly been stated by the learned counsel for the State that there is no material on record to show that the investigation is tainted. In absence of any material to suggest anything against the investigating agency, it would not be proper for the court to issue any direction.

6. There is no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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