

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1011 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Gopalganj

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YOGENDRA PANDIT Son of Late Gokhula Pandit Resident of Village-
Banjari Bhitbherwa, Post Office, Police Station and District-Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary (Home) Department Secretariat, Bihar, Patna.
3. The D.G.P., Bihar, Patna.
4. The D.I.G., Chapra (Saran). Chapra
5. The District Magistrate, District-Gopalganj.
6. The Superintendent of Police, District-Gopalganj.
7. The Deputy Superintendent of Police, District-Gopalganj.
8. The Thana Prabhari, Gopalganj Town Police Station, District-Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Satya Ranjan Sinha, Advocate
For the Respondent-State: Mr.Md. Nadim Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-07-2019

This application under Article 226 of the Constitution of India has been filed by the petitioner for directing the concerned respondents to dispose of the representations dated 03.05.2019 and 30.05.2019. The petitioner has further prayed for directing the respondents not to harass and implicate him in false case.

2. Learned counsel for the petitioner submitted that the police have instituted number of cases against the petitioner in an arbitrary and highhanded manner. The action on



the part of the police is highly unfair and the petitioner has been made a victim of malicious prosecutions. He submitted that in respect of his grievance, the petitioner has submitted representation to the District Magistrate, Gopalganj on 03.05.2019 and 30.05.2019 with a copy of the same to other authorities. However, the authorities are sitting tight over his representations.

3. Per contra, learned counsel appearing for the State submitted that the petitioner is a habitual offender. The institution of the FIRs and investigations being made in those cases are all bona fide. There is nothing on record on the basis of which it can be said that the FIRs instituted against the petitioner are tainted. The representation submitted by the petitioner to the District Magistrate, Gopalganj with a copy of the same to the Superintendent of Police and other authorities including the Chief Minister of the State of Bihar is in the nature of defence taken by the petitioner which has to be seen by the police in course of investigation and by the court in course of trial.

4. I have heard learned counsel for the parties and perused the material brought on record.

5. It is an admitted fact that the petitioner has been made accused in at least four criminal cases. Investigation of



those cases are going on. There is no material on the basis of which the court may come to the conclusion that the institution of the FIRs or their investigation is tainted or unfair. The defence taken by the petitioner in the representation may be considered by the authorities concerned in accordance with law. However, when the investigation is going on, it would not be proper for this court to pass any order in respect of merit of the representations of the petitioner, as investigation into a cognizable offence is always confidential in nature. At this stage, the court has got no say. The role of the court would start only after the investigation is over and a report in this regard is submitted under Section 173(2) of the CrPC.

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

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2019
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