

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1104 of 2019

Arising Out of PS. Case No.-122 Year-2019 Thana- GANDHIMAIDAN District- Patna

Md. Alamgir, Son of Md. Sabbir Alam, Resident of Bishunpur, Aima, P.S.-
Mufassil Muzaffarpur Town, District-Muzaffarpur at present Secretary,
Cricket Association of Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary (Home), Home Special Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police, Central Zone, Patna.
5. The Deputy Inspector General of Police, Central Range, Patna.
6. The Senior Superintendent of Police, Patna.
7. The City Superintendent of Police, Patna.
8. The Deputy Superintendent of Police, Patna.
9. The Station House Officer, Gandhi Maidan Police Station, Patna.
10. The Investigating Officer of Gandhi Maidan P.S. Case No. 122/2019 dated 08-03-2019.

... .. Respondents

Appearance :

For the Petitioner : Mr. Jagannath Singh, Advocate

For the Respondents-State: Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date : 23-07-2019

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

2. This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for directing the
respondent authorities to conclude the investigation of Gandhi
Maidan P.S. Case No.122 of 2019 registered inter alia under Sections
406, 420, 467 and 120B of the Indian Penal Code.



3. Mr. Jagannath Singh, learned counsel for the petitioner submitted that the first information report has been instituted by the petitioner regarding the malpractice adopted by the Secretary, Bihar Cricket Association in collusion with the members of the Selection Committee. Despite lapse of about five months from the date of institution of the first information report, there is no progress into the investigation of the case. The statement of the prosecution witnesses are not being recorded and, in all likelihood, the accused persons have influenced the investigating agency.

4. *Per contra*, learned counsel appearing for the State submitted that the allegations made by the petitioner are without substance. The investigation is being conducted in a fair and impartial manner. The progress of the investigation can not be disclosed at this stage, as the same would adversely affect the ongoing investigation. He contended that by way of filing the writ petition, the informant of the case can not assume the role of supervising officer. He can not even monitor the investigation of the case.

5. Having heard learned counsel for the parties, I find substance in the submission of the learned counsel for the State.

6. In a criminal case, an FIR is lodged on receipt of a report regarding commission of a cognizable offence.



7. It is well settled that at the stage of investigation, neither the accused nor the informant nor the court has any say. It is the statutory right of the police. The investigation is also supposed to be confidential in nature. The informant of the case can not assume the role of investigator. He can not determine the terms on which an investigation of cognizable offence can be made. Only because about five months have elapsed since the date of institution of the FIR, the ongoing investigation can not be said to be tainted.

8. Having said so, this Court is mindful of the fact that a sensitive and committed investigating agency is the need of the hour. It is expected that the investigating agency would expeditiously conclude the investigation of the case and submit their report before the court.

9. With the aforesaid observations, the application is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2019
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