

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.480 of 2018

Arising Out of PS. Case No.-338 Year-2017 Thana- LAHERIASARAI District- Darbhanga

1. Rahul Kumar Choubey son of Jatashankar Choubey, resident of village- Mushharwa, P.S.- Sathi, District- West Champaran
2. Sumit Mishra son of Badshah Mishra, resident of village- Chamua, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
4. The Superintendent of Police, Darbhanga.
5. The Station House Officer, Laheriasarai in the District of Darbhanga.
6. Sri Baiju Kumar son of not known to the petitioner- cum- Investigating Officer, P.S.- Laheriasarai in the District of Darbhanga.
7. Sri Ram Kumar Jha son of Late Suryakant Jha, resident of village- Husainipur, P.S.- Patori, District- Samastipur, at present posted as Forest Sub-Divisional Officer, Mithila Forest Sub-Division Darbhanga, P.S.- Laheriasarai, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad,SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 04-01-2019

Defects, as pointed out by the registry, are ignored.

2. Heard learned counsel for the petitioners and learned counsel for the State.

3. The petitioners are named accused in Laheriasarai P.S. Case No. 338 of 2017 registered under Sections 420, 467, 468 and 471 read with 34 of the Indian Penal Code.

4. The police investigated the case and found the allegation made against the petitioners to be true and on



completion of investigation, charge-sheet has already been submitted against the petitioners on 20.10.2017 whereafter the jurisdictional Magistrate has already taken cognizance of the offence and summoned the petitioners to face trial.

5. Learned counsel for the petitioners submitted that charge-sheet submitted against the petitioners itself suggests that investigation is still going on against some other accused persons. He contended that the petitioners are quite innocent and their implication in this case is totally false. The prayer of the petitioners in the present writ petition to direct the respondents to hold investigation of the case in a proper manner and submit a further report holding the petitioners to be innocent and the other accused persons against whom investigation is going on be sent up for trial.

6. In my opinion, the writ petition is totally misconceived. It is beyond the scope of Article 226 of the Constitution of India to direct the police to hold an accused, who has already been charge-sheeted, to be innocent or to direct the investigating agency to submit charge-sheet against some other accused persons against whom the investigation is still pending.

7. It is well settled position in law that to hold investigation into a cognizable offence is the statutory right of the



police. At this stage, neither the accused nor the informant nor the court can direct the police to investigate the case in a particular manner. Once investigation is over, it is for the court to consider the materials available on record and proceed in accordance with law. Since the police have already completed the investigation as far as the petitioners are concerned and they have already been sent up for trial and the court has found sufficient material to proceed against them, no relief can be granted to the petitioners.

8. The writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

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