

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1371 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- SHRIKRISHNAPURI District- Patna

Lal Babu Paswan, Son of Sri Uma Shankar Paswan, Resident of Village-Rampur, P.O.-Kapasias, P.S.-Kotchias, District-Rohtas, presently residing at M-3/26, near Basawan Park, Shri Krishnapuri, Patna.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Additional Director General of Police (Law and Order), Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Patna.
5. The Superintendent of Police, Traffic, Patna.
6. The Deputy Superintendent of Police, Sachiwala, Patna.
7. The Officer-in-charge, Srikrishna Puri Police Station, Patna.
8. Firoj Ahmad Siddiqui, Son of Allaudin Siddiqui, Resident of Village-Bargawan, P.O.-Karnaul, P.S.-Sahebganj, Tahsil-Chakiya, District-Chandauli, Uttar Pradesh.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rajeev Kumar Singh, Advocate Mr. Anjani Kumar, Advocate
For the Respondents-State:	:	Md. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 25-09-2019

In the instant application preferred under Articles 226 and 227 of the Constitution of India, the petitioner has prayed to direct the respondents to make a proper investigation of S.K. Puri P.S. Case No.218 of 2018 dated 22.08.2018 registered for the offence punishable under Section 379 of the Indian Penal Code. The petitioner has also prayed to direct the respondents to take



appropriate legal action against the respondent no.8 who is named accused in S.K. Puri P.S. Case No.218 of 2018.

2. Learned counsel appearing for the petitioner submitted that the respondent no.8 had fraudulently taken away Bolero Jeep of the petitioner bearing Registration No. BR-01PA-4829. In this regard, a report was lodged before the S.K. Puri Police Station vide S.K. Puri P.S. Case No.218 of 2018. Though, more than a year has passed since the date of institution of the first information report, neither the vehicle in question has been recovered nor the police have submitted report under Section 173(2) of the Code of Criminal Procedure (for short 'CrPC') in the court. He contended that the inaction on the part of respondents in continuing with the investigation of the case for an indefinite period is illegal, unwarranted, arbitrary and bad in law as also on fact.

3. *Per contra*, learned counsel appearing for the State submitted that apart from oral assertion of the petitioner that the investigation is not fair and the investigating agency is sitting tight over the investigation of the case, there is no material to support that the investigating agency is not conducting the investigation properly. He contended that mere delay in completion of investigation can not be a ground for issuing any direction to the



police for taking legal action against the accused named in the first information report.

4. Having heard the parties, I find that in a case of petty nature, there is an inordinate delay for more than one year in completing the investigation of the case.

5. To hold investigation into a cognizable offence is the statutory right of the police. Ordinarily, during pendency of the investigation, the court has no say.

6. It has rightly been pointed out by the learned counsel for the State that merely because a person is named as an accused in the first information report, no direction can be issued to the investigating agency to take legal action against the named accused. However, a duty is cast upon the police to conduct speedy investigation. After registration of first information report, the police can not sit tight over the matter and forget to investigate the case. Sensitivity and commitment on the part of the investigating agency is indispensable to the criminal justice system.

7. In that view of the matter, in case a representation is filed by the petitioner before the Superintendent of Police, Patna (respondent no.4) along with a copy of the order, he shall be required to personally look into the matter and ensure that the investigation of the case comes to its logical end by filing a report



under Section 173(2) of the CrPC before the court of jurisdictional Magistrate without any further delay.

8. With the aforesaid observations and direction, the writ petition is disposed of.

9. It is made clear that any report by the police shall be subject to the outcome of investigation of the case.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2019
Transmission Date	27.09.2019

