

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1461 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- SINGHIYA District- Samastipur

Sumitra Devi Wife of Late Chandeshwar Prasad Singh Resident of Village -
Mahua, P.S.- Singhia, District- Samastipur

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Deptt. Of Home, Govt. Of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna
3. The Inspector General of Police, Darbhanga Range, Darbhanga
4. The District Magistrate, Samastipur
5. The Superintendent of Police, District- Samastipur
6. The Sttlement Officer, Darbhanga
7. The Sub Divisional Police Officer, Sub-Division, Rosera, District- Samastipur
8. The Circle Officer, Singhia, Samastipur
9. The Officer-in-Charge, Police Station-Singhia, District- Samastipur

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Adv.
For the Respondent/s : Mr. Saroj Kumar Sharma, A.C. to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-11-2019

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

2. The petitioner is the informant of Singhia P.S. Case
No. 89 of 2018 registered under Sections 406, 467, 468 and 471
read with 34 of the Indian Penal Code. She has filed the present
application for directing the respondents to conclude the
investigation of Singhia P.S. Case No. 89 of 2018 and submit a



report under Section 173(2) of the Code of Criminal Procedure (for short 'Cr.P.C') before the jurisdictional Magistrate.

3. Learned counsel for the petitioner submitted that the first information report (for short 'FIR') was registered in the case on 21.07.2018. Since then, the investigating agency is sitting tight over the matter. The accused persons are still roaming free and there is no likelihood of the completion of investigation in near future.

4. In view of the above submissions, he has contended that a direction is required to be issued to the concerned respondents to be sensitive to the investigation of the case so that the investigation may come to its logical end.

5. Per contra, learned counsel appearing for the State submitted that since the investigation is going on, any order which this Court may pass would amount to interference in the investigation of the case. He submitted that the delay in investigation may be due to various reasons as the offence relates to forgery in record.

6. I have heard learned counsel for the parties and perused the materials available on record.

7. There is no dispute to the fact that the investigation into a cognizable offence is exclusive domain of the police.



However, the police cannot forget to investigate a case after instituting an FIR. The right to speedy trial is available to an accused at all stages including the stage of investigation. Similarly, expeditious investigation into a criminal offence is a facet of rule of law in criminal justice system. The investigating agency cannot sit tight over the matter of investigation for an indefinite period. A direction by the court in appropriate cases where the investigation does not progress at desired speed can never be viewed as interference into investigation.

8. I have perused the nature of allegation made in the FIR. The same relates to forgery made in certain orders passed by the Settlement Officer in a case under Bihar Tenancy Act. It is not a case where investigation is to be conducted in some voluminous documents or into a document which is not readily available. Such investigation is supposed to be made within few days and not in few years. By now, more than a year has passed. As alleged by the petitioner, there is no progress in the investigation of the case. A sensitive and committed investigating agency is indispensable to the criminal justice system.

9. In that view of the matter, I direct the respondent no.5, the Superintendent of Police, Samastipur to personally look into the matter and ensure that the investigation of Singhia P.S.



Case No. 89 of 2018 is brought to its logical end and a report under Section 173(2) of the Code of Criminal Procedure is filed before the jurisdictional Magistrate without any undue delay.

10. It is made clear that this Court has not expressed any opinion on the merit of investigation. Filing of the police report under Section 173(2) of the Code of Criminal Procedure would depend upon the outcome of investigation.

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

12. Let a copy of the order be transmitted to the Superintendent of Police, Samastipur.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.11.2019
Transmission Date	13.11.2019

