

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.237 of 2020

Arising Out of PS. Case No.-469 Year-2019 Thana- DANAPUR District- Patna

Abhishek Virendra Singh, Son of Virendra Kumar Singh, Resident of Village - Khagari Road, Panchsil Nagar Takiyapar, P.S. - Danapur, P.O.- Digha, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Home (Police) Govt. of Bihar Patna
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Superintendent of Police West Patna.
4. The S.D.P.O., Danapur, Patna.
5. The Station House Officer, Danapur, Police Station, Patna.
6. The Investigating Officer, Danapur, Police Station, Patna.
7. Rahul Kumar, Son of Munna Soni, Resident of Danapur, Bhatta Road, P.O.- Danapur Cant, P.S.- Danapur, District - Patna.
8. Sanjeev Kumar @ Rocky, Son of Munna Soni, Resident of Danapur, Bhatta Road, P.O.- Danapur Cant, P.S.- Danapur, District - Patna.
9. Bittu Kumar, Son of Munna Soni, Resident of Danapur, Bhatta Road, P.O.- Danapur Cant, P.S.- Danapur, District - Patna.
10. Munna Soni, Son of Thakur Prasad, Resident of Danapur, Bhatta Road, P.O.- Danapur Cant, P.S.- Danapur, District - Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate
For the Respondent/s : Mr.P.K. Verma

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-02-2020 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is looking for a direction to the respondent authorities to recover the vehicle i.e. Volks Wagh Polo 1-2MP1 TREDLENE Regd. No. MH14DN8186, Engine No. CJL057959 Chassis No. WVWF12609CTO53552



Model No. VWPOLO12LMRLTER EDL which is said to be lying in possession of private respondent nos. 7 to 10. Although in the writ application petitioner has also prayed for a direction to the respondent to recover the amount of Rs. 2,00,000/- which the petitioner claims to be entitled to get from the private respondents, learned counsel for the petitioner has submitted at this stage that he would not press this relief and shall take opportunity to apply for appropriate remedy for recovery of money.

So far as the first grievance of the petitioner is concerned, it relates to recovery of the vehicle of which the petitioner is said to be the registered owner. In this connection one F.I.R. has already been lodged by the petitioner giving rise to Danapur P.S. Case No. 469 of 2019 on 13.06.2019 but the grievance of the petitioner is that the Investigating Officer of the case has not seized the vehicle which is subject matter of the F.I.R. and has allowed the vehicle to be used by the accused persons. According to learned counsel for the petitioner the inaction on the part of the Investigating Officer may be found from the materials available on the record which includes the certificate of registration of the said vehicle standing in the name of the petitioner.



Learned counsel for the State submits that at this stage she has no instruction in the matter and the writ application may be disposed of with appropriate direction to the Superintendent of Police, West Patna (respondent no. 3) to look into the grievance of the petitioner and issue an appropriate direction to the Investigating Officer of Danapur Police Station (respondent no. 6).

In the given facts and circumstances of the case, considering that the F.I.R. has been lodged in respect of the vehicle in question and the certificate of registration enclosed with the writ application shows that the vehicle is registered in the name of this petitioner, the same being the subject matter of the F.I.R., let this issue be taken note of the Superintendent of Police, West Patna (respondent no. 3) who will look into the grievance of the petitioner, shall supervise the case and issue necessary direction to the Investigating Officer, Danapur Police Station with regard to the vehicle in question.

In case it is found by the respondent no. 3 that the Investigating Officer, Danapur has shown any slackness on his part in course of investigation in taking steps with regard to the vehicle in question, he would change the Investigating Officer of the case and shall issue such other and further



direction as may be required in accordance with law.

This Court has at this stage not gone into the merit of the contentions of the petitioner and it would be open for respondent no. 3 to take appropriate decision within a period of 30 days from the date of receipt/production of a copy of this order.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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