

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.362 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- NTPC District- Patna

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RAJA RAMAN PRASAD Son of Late Kailash Mahton Resident of village -
Nawada (Ghat), P.O. - Mahmadpur, P.S. - Barh (Now NTPC, Barh), District -
Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH THE PRINCIPAL SECT. DEPT. OF
HOME, BIHAR, PATNA Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The District Magistrate, Patna. Bihar
4. The Sr. Superintendent of Police, Patna. Bihar
5. The Superintendent of Police (Rural), Patna. Bihar
6. The Assistant Superintendent of Police, Barh, District - Patna. Bihar
7. The SHO, NTPS Police Station - Barh, District - Patna. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh, Adv.
For the Respondent/s : Mr.Prabhu Narayan Sharma, AC to AG.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 28-09-2020 The petitioner in the present case is seeking a

direction to the Senior Superintendent of Police, Patna
(respondent no.4) and Superintendent of Police (Rural), Patna
(respondent no.5) to ensure that the direction issued by them in
course of supervision of NTPC P.S. Case No.98/2019 registered
under Sections 302/120B of the Indian Penal Code be complied
with by the investigating officer. The petitioner has a grievance
that the investigating officer is not looking into the direction of
the supervisory authorities and he has not recorded the



statement of the witnesses who are available as also no step is being taken to obtain CDR and tower location of mobile phone of the deceased and CDR and tower location of the accused.

Learned counsel for the petitioner submits that the petitioner is not looking for investigation of the case in a particular manner, he is only drawing the attention of this Court that despite the instructions issued by the supervisory authorities the investigating officer is not complying with such directions, he is in collusion with the accused and is favouring the accused.

Mr. Prabhu Narayan Sharma, learned AC to learned AG submits that in such circumstance direction may be issued to the respondent nos.4 and 5 respectively to look into the grievance of the petitioner and ensure that their directions must be complied with by the investigating officer. Learned counsel submits that the Hon'ble Apex Court has in the case of **Sakiri Vasu Vs. State of U.P. & Ors.** reported in **(2008) 2 SCC 409** has held that the jurisdictional Magistrate may in exercise of his power under Section 156(3) Cr.P.C. issue an appropriate direction as and when required including direction for change of investigating officer if it is found that he is not conducting proper investigation.

Having regard to the facts and circumstances of the



case, in the nature of the submissions made by the petitioner, without entering into the merit of the case and contentions, this Court directs respondent nos.4 and 5 to look into the grievance of the petitioner, take a review of the case at their own level and find out as to whether their directions are being duly complied with by the investigating officer so far. If the investigating officer has not complied with the directions, let the investigating officer of the case be changed and investigation be handed over to a responsible police officer who can take the directions of the supervising authorities seriously and sincerely. This should be apart from such direction which may be required by the supervising authorities to ensure that their directions may be complied with.

It will be open for the petitioner to approach the learned jurisdictional Magistrate as well by filing an appropriate application as and when required to draw the attention of learned jurisdictional Magistrate towards any inaction on the part of the I.O. in proper investigation of the case and if such an application is filed the learned jurisdictional Magistrate will pass an appropriate order keeping in view the judgment of the Hon'ble Apex Court in the case of Sakiri Basu (supra). The respondent nos.4 and 5 must comply with the directions above



within a period of four weeks from the date of receipt/production of a copy of this order.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

