

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32645 of 2015

Arising out of PS. Case No. 125 Year-2015 Thana-Gardanibagh District-Patna

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Shrawan Kumar, Son of Bhola Prasad, R/o Village-Nanora, P.S.+Distt.-Nawada.

.....Petitioner/s

Versus

1. The State of Bihar.

2. Chairman, Kendriya Chayan Parishad (Constable Recruitment Board), Bihar, Patna.

3. Senior Superintendent of Police, Patna.

4. City Superintendent of Police, Patna.

5. Deputy Superintendent of Police, Sachivalya, Patna.

6. S.H.O., Gardanibagh, Patna.

7. Girish Kumar, Superintendent of Police, Bihar Police Academy Camp, Gardanibagh High School, Patna (Constable Recruitment).

.....Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Indradeo Prasad, Adv.

For the State : Md. Aslam Ansari, APP

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CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

03/- 26.08.2020

Heard Mr. Indradeo Prasad, learned counsel for the petitioner and Md. Aslam Ansari, learned APP for the State.



The present petition has been filed for quashing of the First Information Report of Gardanibagh P.S. Case No. 125 of 2015, dated 16.04.2015, which has been registered under Section 420 of the Indian Penal Code.

It has been urged on behalf of the petitioner that assuming every allegation in the F.I.R. to be correct, no offence under Section 420 of the I.P.C. can at all be said to have been made out.

As the allegation stands, the petitioner is alleged to have furnished two castes certificates which disclose his guilty intention.

Mr. Indradeo Prasad, learned Advocate for the petitioner has submitted that this is a wrong statement in the F.I.R. The petitioner had only furnished one caste certificate showing him to be of a particular caste. The other certificate was wrongly issued by the Department without taking into consideration that the certificate was sans a creamy layer classification by the State.



The aforesaid grounds ought to be taken into account by the Investigating Officer while investigating this case.

Learned counsel for the petitioner has submitted that the investigation is pending till date.

This Court is at a loss to understand as to why the investigation has been kept pending for about five years.

Be that as it may, the present petition is being disposed off with a direction to the Investigating Officer to conclude the investigation as expeditiously as possible, preferably within a period of four months from the date of receipt/production of a copy of this order before him. The grounds raised on behalf of the petitioner shall be looked into and a final decision shall be taken only after considering the aforesaid grounds.

Till such time a final decision is taken in this matter, no coercive step shall be taken against the petitioner.

If the report which is finally submitted by the police does not satisfy the petitioner, he would have the liberty to take recourse to the legal remedies available to him under the law.



With the aforesaid observation/direction, the petition stands disposed off.

(Ashutosh Kumar, J.)

Praveen-II/-

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