

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1899 of 2019

In
CRIMINAL APPEAL (SJ) No.2520 of 2019

Arising Out of PS. Case No.-219 Year-2017 Thana- DHARHARA District- Munger

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1. Narsingh Tanti Son of Biranchi Tanti Resident of Village - Mangarh, P.S.- Dharhara, District- Munger
 2. Kumari Punam Wife of Narsingh Tanti Resident of Village - Mangarh, P.S.- Dharhara, District- Munger
 3. Ankit Kumar Son of Narsingh Tanti Resident of Village - Mangarh, P.S.- Dharhara, District- Munger
 4. Abhilasha Devi D/O - Narsingh Tanti Resident of Village - Mangarh, P.S.- Dharhara, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Munger, Division, Munger
4. The Superintendent of Police, Munger
5. The Deputy Superintendent of Police, Munger
6. The Investigating Officer, (SHO), Dharhara, District- Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh, Advocate
For the Respondent/s : Mr.Anil Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 25-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners in this case are seeking setting aside of the
order dated 06.12.2018 passed by learned Additional Sessions
Judge I-cum-Special Judge (SC/ST Act), Munger in G.R. No.
2978 of 2017 arising out of Dharhara P.S. Case No. 219 of 2017



by which the prayer of the petitioners to direct further investigation of the case in terms of Section 173(8) Cr.P.C. has been refused on the ground that in terms of Section 173(8) Cr.P.C., it is the Station House Officer/Investigating Officer who have to take a view if they obtain further evidence oral or documentary and other materials, the same may be forwarded to the concerned Magistrate. The learned court below has, thus, taken a view that the power under sub-section (8) of Section 173 Cr.P.C. should not be ordinarily exercised to interfere with the statutory power of the investigating agency and the court cannot issue such directions to investigate the case from a particular angle or by a particular agency.

Learned counsel for the petitioners submits that so far as the legal propositions on the issue are concerned, the views expressed by the learned Additional Sessions Judge-cum-Special Court (SC/ST) with regard to interpretation of sub-section (8) of Section 173 Cr.P.C. is not being contested but at the same time the petitioners are looking for ventilation of their grievance because in their opinion it is a case of false implication and in course of investigation the materials which were brought to the notice of the concerned Investigating Officer and the supervising authorities have not at all been taken



care of and no investigation has been done despite such materials brought to the notice of those authorities. It is submitted that this Court being a constitutional court sitting under Article 226 of the Constitution of India may direct the respondent authorities to take a view on the materials which were brought to the notice of the Investigating Officer and other police authorities, copies of which have been enclosed with the petition duly showing that those were sent to the addressees police officers and then in case they are impressed and find that a further report is to be submitted, such report be sent to the learned court below.

Learned counsel for the State submits that though the order impugned is in accordance with law, limited to the grievance of the petitioners to the extent they are looking for a consideration of the materials which were placed by them before the Investigating Officer/other police authorities in course of investigation, an appropriate direction may be issued.

In the given facts and circumstances of the case, without going into the merit of the submissions of learned counsel for the petitioners, this Court directs the Superintendent of Police, Munger (Respondent No. 4) to look into the materials which were said to have been sent by the petitioners earlier in



course of investigation but according to them those have not been considered and in case the respondent no. 4 finds that those materials are in the nature of further evidence which were not earlier taken into consideration, the respondent no. 4 shall consider sending a further report in term of sub-section (8) of Section 173 Cr.P.C. but it will be a fully independent exercise by him and this order shall not be construed as any direction to investigate the matter in a particular manner or on a particular point. It will be open for respondent no. 4 to act in terms of his own wisdom.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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