

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87276 of 2019

Arising Out of PS. Case No.-194 Year-2018 Thana- JANDAHA District- Vaishali

=====

AJAY NARAYAN @ ABHAY NARAYAN Son of Prasiddh Narayan Yadav
Resident of Village- Yogia Simra, P.S.-Belaganj, District- Gaya, State- Bihar,
At present Harina Colony, P.S.-Barora, District- Dhanbad, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-01-2020

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

The instant petition has been filed under Section 482 of
the Code of Criminal Procedure (for short ‘the Code’) for
quashing the order dated 23.10.2019 passed by Sub Divisional
Judicial Magistrate , Vaishali at Hajipur, allowing the
application filed under Sections 173(8) of the Code. The
learned Court below has allowed and permitted conduct of
further investigation U/s 173(8) of the Code in accordance with
law.

It is submitted by the petitioner’s counsel that there was
no evidence whatsoever to justify such permission being granted
by the Court under Section 173(8) of the Code.



It appears that the Investigating Officer had filed an application on 16.10.2019. The application had been made on account of supervision note(s) submitted by the S.D.P.O., Mahua, who, relying upon statement of three witnesses in support of the prosecution directed the Investigating Officer to proceed for further investigation. Exercise of power by the Court under the Code of Criminal Procedure, to direct for further investigation, in the circumstance, cannot be questioned. The Court does not consider it a fit case to interfere with the investigation at this stage.

The application is devoid of merit and is, accordingly, dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.1.2020
Transmission Date	13.1.2020

