

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5407 of 2022

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In the matter of letter dated 07-04-2022 of Ld. Vinod Kumar (Adv.)

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Home Secretary, Govt. of Bihar, Patna.
4. The Senior Superintendent of Police, Patna (Bihar).
5. The Superintendent of Police, Patna (Bihar).
6. The Station House Officer, Daniawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate Mr. P.K. Shahi, Senior Advocate Mr. Basant Kumar Choudhary, Senior Advocate
For the Respondent/s	:	Mr. Lait Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2022

A practising advocate of this Court has filed the instant petition stating that while he was coming to Patna from his native place, at Daniwan Police Station, ASI Santosh Kumar and Anup Kumar assaulted him. He was slapped several times, resulting in both ears being badly injured, also apparent from the medical report. The occurrence is of 06.04.2022 at 11.40 A.M. Also the S.S.P., Patna and S.H.O., Daniwan, Patna refused to take his complaint.

On a special mention made by Sri P. K. Shahi, Senior

Advocate, Sri Yogesh Chandra Verma, Senior Advocate, and Sri Basant Kumar Choudhary, Senior Advocate, the petition was registered 07.04.2022, and notice issued with the learned Advocate General appearing on behalf of the State.

Today, learned Advocate General, under instructions from Dr. Manavjit Singh Dhillon, Senior Superintendent of Police, Patna, who is present in the Court, submits that post-registration of the petition, FIR stands registered; the investigation is in progress; departmental proceeding stands initiated against the erring officer, who also stand suspended. Also, at state expense, the complainant stands medically examined, and even for future treatment of the injuries arising out of the said incident, the State shall bear all costs, with a further assurance of getting him treated by the best of the doctors in the Government Hospital at Patna. As such, the present proceedings be closed.

Sri Yogesh Chandra Verma, Senior Advocate, Sri P. K. Shahi, Senior Advocate, as also other counsel, jointly submit that the injury sustained is grievous in nature; hence the FIR ought to have been registered in terms and under the relevant provision of the Indian Penal Code. Also, action should have been taken against the erring officer(s)/official(s) who refused to register the complaint.

Through the learned Advocate General, Dr. Manavjit Singh Dhillon, Senior Superintendent of Police, Patna, submits that pending investigation, all concerns addressed on behalf of the applicant shall be addressed with promptitude under law. However the statement of inaction by senior level Police Officer is denied.

Statement accepted and taken on record.

Also, assurance of the victim to be provided best of the treatment is accepted and taken on record. We have no reason to doubt the same as the victim already stands examined in one of the premier hospitals of the State at Patna.

We see no reason why the machinery set up under the Code of Criminal Procedure provision, was not set in motion at the first instance. It is rather unfortunate that a practising advocate of this Court had to rush to this Court for such a purpose. The law concerning the registration of FIR relating to crime is now well settled. **[Lalita Kumari v. Government of Uttar Pradesh & Ors. (2014) 2 SCC 1]**

In the instant case, the victim had sustained injury. Whatever the cause, a complaint ought to have been registered, which unfortunately was not done.

As such we dispose of the present petition with the

following directions:-

- (a) The investigation in relation to the crime in question be expedited and positively completed, with the victim fully cooperating, within a period prescribed in law or three months from today, whichever is later.
- (b) The disciplinary proceedings against the erring officer(s)/ official(s) be positively initiated and/or completed within the time-bound period and, unless the law requires otherwise, within six months from today.
- (c) The victim Sri Vinod Kumar, a practising advocate of this Court, shall be provided with the best treatment in the Government Hospital free of cost. This shall be in terms of the statement made by the learned Advocate General.
- (e) The Senior Superintendent of Police, Patna, shall ensure that in future no such grievance is raised by any person, including a practising advocate of this Court (Member of the Advocate Association). As volunteered, we direct him to immediately undertake an exercise of sensitizing the police personnel posted in the field, of the legal provisions, including judicial pronouncements.

With the observations above, the petition stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/sanjay-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	