

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.146 of 2018

Arising Out of PS. Case No.-2 Year-2017 Thana- MAHILA PS District- Jehanabad

Smt. Rina Sinha D/o Sri Ram Swaroop Singh, R/o Mohalla- Uta, Madarpur
P.S. and Distt- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar
2. The I.G. of Police, Patna.
3. Superintendent of Police, Jehanabad.
4. Deputy Superintendent of Police, Jehanabad.
5. Officer-in-Charge, Mahila Thana, Jehanabad.

... .. Respondents

Appearance :

For the Petitioner/s : Smt. Rina Sinha, In-Person
For the Respondent/s : Mr.Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-09-2022 The petitioner has appeared in-person. She has argued the case. What has ultimately transpired after hearing her is that this letter petition was sent to Hon'ble the Chief Justice when the investigation of Jehanabad (Mahila) P.S. Case No. 02/2017 dated 15.01.2017 was still under investigation. Over the period police has concluded the investigation.

This Court has been informed that the investigating agency submitted a final form against the accused persons but by differing with the police report the learned 1st Additional District & Sessions Judge – cum –



Special Judge, Jehanabad vide his order dated 02.02.2019 took cognizance of the offences under Section 376D/34 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act (in short the “POCSO Act”). The Court directed issuance of NBW against all the accused persons through S.P. Jehanabad.

The petitioner has further informed this Court that the accused persons had surrendered in this case and have been granted bail. One of the accused Mr. Ataur Rahman is said to have moved this Court under Section 482 Cr.P.C. in Cr. Misc. No. 31491/2019 which is pending consideration.

Mr. Suman Kumar Jha, learned AC to AAG-3 has informed that in the said case there is no order of stay of further proceeding. Learned counsel has informed that this matter was mentioned yesterday before the Hon’ble Criminal Application and Motion Bench, while directing this case to be listed before the appropriate Bench, the Hon’ble Division Bench had directed the State Government lawyer to arrange for a medical check-up of the victim who is said to be mentally challenged since childhood. Mr. Jha, has informed that the victim has been clinically examined



and as per doctors she has been found clinically fit at present, however, she has been referred to Superintendent Office, P.M.C.H. for evaluation by other department including Psychiatric Department.

Be that as it may, this Court finds that so far as the present writ application is concerned, at this stage, when the order taking cognizance has already been passed, accused persons are on bail and the trial court is in seisin of the matter, nothing remains for adjudication in the present writ application.

The petitioner has a grievance that the case is not progressing in the learned court below. If it is so, this Court would only observe that unless otherwise ordered by a competent court of law, the trial before the POCSO Court must proceed expeditiously keeping in view the spirit of the Act and all endeavours be made to conclude the trial.

This Court has also been informed that the petitioner apprehends danger to her life and the life of the victim. Let the petitioner file an appropriate application submitting her grievance to the Senior Superintendent of Police/Superintendent of Police, Jehanabad, as the case may



be. The said application of the petitioner shall be acknowledged by the Office of the Superintendent of Police and it will also be entered in the Station House Register. The grievance of the petitioner shall be duly examined within the shortest possible time and, in case, it is found that the grievance of the petitioner is genuine and she or the victim has threat perception, adequate protection will be given to them keeping in view that they are witnesses of the case.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

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'.

