

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.970 of 2022

Arising Out of PS. Case No.-180 Year-2013 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Kumari Vijaya Lakshmi, Wife Of Ranjeet Kumar R/O Village- Bompur, P.O.-
Ramghat, P.S.- Chandi, District- Nalanda, Present Residing Of Mohalla-
Shivajee Nagar B.B.Ganj Bhagwanpur, P.S.- Sadar Muzaffarpur, District-
Muzaffarpur

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Deptt. Of Home
(POLICE), Govt. Of Bihar, Patna
2. The Director General Of Police, Bihar, Patna
3. The Inspector General Of Police, Muzaffarpur
4. The Deputy Inspector General Of Police, Muzaffarpur
5. The Senior Superintendent Of Police, Muzaffarpur
6. The Station House Officer, Sadar Police Station, District- Muzaffarpur
7. Mr. Surendra Kumar, The Investigating Officer Of Sadar Police Station
Case No. 180 Of 2013, Sadar Police Station, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr.Sanjay Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioner and Mr.

Sanjay Kumar, learned AC to SC-8 for the State.

Although this writ application has been filed under the
heading “Proper Investigation” but the facts revealed from the
statements made in the writ application would show that the
case relating to missing of the husband of the petitioner was
lodged as back as on 27.05.2013 giving rise to Sadar P.S. Case
No. 180 of 2013 and after investigation the police is to said to
have submitted the final form/report in terms of Section 173



Cr.P.C. vide final form/report no. 524/14 dated 30.11.2014. Police has reached to a conclusion that the case is not true under Section 165 I.P.C. A copy of the final form has been brought on record as Annexure '4' to the writ application.

Mr. Binay Kumar, learned counsel for the petitioner has, however, submitted before this Court that he has obtained copy of Annexure '4' from the police station and his grievance is that this final form has not been submitted in the court of the learned Magistrate within whose jurisdiction the case was pending. Learned counsel is however unable to show from any order-sheet of the court below that the said final form has not been submitted in the court. This Court is also unable to understand how he may obtain a copy of the final form/ report from the police station that too when it is alleged that the said final form has not been submitted in the learned court below.

Mr. Sanjay Kumar, learned AC to SC-8 appears for the State. Learned counsel submits that in this case the petitioner should have brought these facts to the notice of the learned Magistrate instead of filing a writ application directly before this Court.

Having heard learned counsel for the petitioner and the State, this Court is of the considered opinion that in the



given facts and circumstances, if it is the case of the petitioner that final form has not been submitted in the court below it should have been brought to the notice of the learned Magistrate only who was competent enough under Section 156(3) Cr.P.C., to take note of it and call upon the I.O. to explain as to how a final form/report as per Annexure- '4' remained in the police station and could not be filed in the Court. The veracity of the statement of the petitioner could have been examined by the learned Magistrate.

This Court, therefore, finds no reason to entertain this writ application at this stage. The petitioner is at liberty to file an appropriate application in the court below bringing the entire materials to the notice of the learned court. If the statements made by learned counsel for the petitioner is found correct the learned court below shall pass consequential orders.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

