

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22624 of 2018

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Vicky Kumar S/o Fani Bhushan Choudhary, resident of Anathalaya Road, P.S. Kathihar Town, P.O.- Kathihar, District Kathihar presently residing at Mandal Kara, District- Kathihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Affairs, Government of Bihar at Patna.
2. The Principal Secretary, Department of Home Affairs, Government of Bihar at Patna.
3. The Under Secretary, Public Grievances Cell, Department of Home Affairs, Government of Bihar at Patna
4. The Director General of Police D.G.P., Patna, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.
For the Respondent/s : Mr. Md. N.H. Khan- SC1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 26-04-2023

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

2. The writ petitioner has approached this Court by way of instant Public Interest Litigation (PIL) seeking directions to the Home Department, Government of Bihar, for issuing instructions to ensure compliance with the mandate for maintenance of diary of proceedings in investigation in terms of Chapter 12 of the Code of Criminal Procedure, 1973 (for



brevity, Cr.P.C.).

3. The State has filed counter affidavit(s). Placing reliance on Annexure A to the counter affidavit, it is submitted that by the order dated 11/09/2023, Director General of Police of Bihar, Patna, has issued directions/ instructions to all Senior Police Officers for ensuring compliance of the amended provisions of the Cr.P.C which came into effect w.e.f. 31/12/2009. It is asserted by the learned State Counsel that the mandate of the Cr.P.C. is clear and it goes without saying that the Officers are required to ensure scrupulous compliance with the provisions contained in Section 172 Cr.P.C. When there is shortage of case diary, in the midst of the investigation in a particular case, and the Investigating Officer uses pages of another volume, then also he/she is required to maintain the sequence of paragraph number. One carbon copy is dispatched to the Inspector in Non-SR cases, while in SR cases, however, the carbon copy of the case diary is dispatched to the Inspector, Deputy Superintendent of Police as well as Superintendent of police and entry in this regard is made in the dispatch register. On receipt of the diary in the Office of the Supervisory officer, it is also entered in the receipt register under due acknowledgment by initial of the Senior Officer. Overwriting has also strictly been prohibited in



the case diary and a practice is being followed to neatly score out any mistake in writing. The correct words are required to be written separately. These are some of methods being adopted, for ensuring fairness and transparency in the investigation.

4. Considering the above noted stand taken in the counter affidavit(s), this Court, for the purposes of these proceedings in the nature of PIL, is of the view that no further orders/ directions are required in the matter. The authorities themselves have expressed the requirement of scrupulously following the procedure specified in Chapter 12 of the Cr.P. C . If in a given case, there is any violation then only the same can be looked into in appropriate proceedings.

5. The application stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	01-05-2023
Transmission Date	

