

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.582 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- AANDAR District- Siwan

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Sunil Kumar Singh @ Babu Nand Singh @ Sunil Singh Son Of Shree
Baliram Singh, Resident Of Village - Chitaur, P.S.- Andar, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, New Secretariat, Patna.
2. The Deputy Inspector General Of Police, Saran, Bihar.
3. The Superintendent Of Police, Siwan, Distt.- Siwan.
4. The Dy. S.P. Sadar, Siwan, Distt.- Siwan.
5. The S.H.O. Andar P.S., Distt.- Siwan.
6. The Investigating Officer Andar P.S. Case No.65 of 2020 and Andar P.S.- Case No.94 of 2020, Distt.- Siwan, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vitesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present criminal writ petition has been filed for setting aside the order dated 01.10.2020 and order dated 19.12.2020 in connection with Andar P.S. Case No. 65 of 2020 by which the application for stoppage of proceeding under Section 82 of Cr.P.C. was requested to be stopped but Court has rejected the petition and direction was made for issuance of proceeding under Section 83 of Cr.P.C. vide order dated 01.10.2020 and 19.12.2020 by Judicial Magistrate-Ist Class,

Siwan in Ander P.S. Case No. 65 of 2020 by which learned court has issued N.B.W. and process under Section 82 of Cr.P.C. as well as 83 of Cr.P.C. respectively.

Counsel for the petitioner submits that the said N.B.W. or requisition under Section 82 of Cr.P.C. has never been served upon the petitioner and as such the processes issued under Sections 82 and 83 of Cr.P.C. are basically nullity in law.

From the copy of the order annexed by the counsel for the petitioner, it transpires that process of under Section 82 of Cr.P.C. has been issued only after service of notice as in the office notes column *Tamila* report is there. Counsel further submits that he seeks permission from this court to hold that the investigation done by Ander Police is illegal and void.

Counsel for the State submits that against the order issued under Sections 82 and 83 of Cr.P.C. are the order passed in the judicial process and there are remedies available of revision against those orders and this writ petition is not maintainable.

On the point of investigation, liberty is hereby granted to the petitioner that he shall represent himself within four weeks from today before the Superintendent of Police, Siwan raising his grievances in the light of order passed in **Surendra**

Singh vs. State of Bihar & Ors. in Cr. WJC No. 153 of 2017

with analogous cases decided on 09.09.2022 and he is at liberty to place all his documents before the investigating authority through his counsel.

By this order petitioner has not been granted any relief relating to securing his presence before the process of law.

With this observation, the present criminal writ application is disposed off.

(Dr. Anshuman, J.)

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