

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.663 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- MAHARAJGANJ District- Siwan

Ravi Tiwary @ Ravi Kumar Tiwary @ Ravi Kumar S/O- Sri Murari Tiwary
Village- Rukundipur Tola- Dhanauta Ps- Daraunda Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, DGP, Bihar
3. The Deputy Inspector of Police, Bihar, Saran
4. The Superintendent of Police, Bihar Siwan
5. The Sub Divisional Police Officer, Siwan
6. The Police Inspector, Daraunda, Siwan
7. Randhir Kumar, Investigating Officer of FIR no- 315 of 2022 Daraunda Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajat Kumar Tiwary, Adv.
	:	Mr. Deepika Sharma, Adv.
For the State/s	:	Mr. Babita Kumari, AC to SC1
For the Informant/s	:	Mr. Narendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and counsel for the informant.

Learned counsel for the petitioner fairly submits that so far as the relief 1(i) is concerned, become infructuous and is not interested to pursue the first relief. Counsel submits that he is interested to pursue the relief 1(ii) that is to direct the Court Below to allow the petition of Section 91 of Cr.P.C. which is pending for obtaining the tower location/CDR of the petitioner and C.C.T.V. footage of the house of the Subhash Singh and the informant during the course of investigation.

Counsel for State only submits that since charge-sheet

has already been submitted, therefore, this case is not maintainable here.

Counsel for informant submits that charge-sheet has been submitted in this case and therefore, it is not maintainable.

It is true that charge-sheet has been submitted and therefore, the counsel for petitioner has rightly prayed not to pursue this relief. But so far as his relief relating to directing the Court Below to allow the petition of Section 91 of Cr.P.C. cannot be granted by this Court due to the reason that under Code of Criminal Procedure, it is the power inserted under the Civil Court to entertain such petition and pass order upon considering the materials and upon hearing the petitioner of the petition as well as the prosecution. High Court is not supposed to pass any order under Section 91 of Cr.P.C. at this level. Therefore, the said prayer is hereby refused. But liberty is hereby granted to the petitioner that he may avail the remedy under Section 91 of Cr.P.C. in accordance with law laid down in the same section.

With this direction, this Criminal Writ Application is hereby disposed of.

(Dr. Anshuman, J.)

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