

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1161 of 2023

Arising Out of PS. Case No.-245 Year-2018 Thana- GARDANIBAG District- Patna

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Ajit Kumar S/O- Sri Krishna Saw R/o- New Tola Saristabad Kachi Talab
pathar Gali Chauraha Ps- Gardanibagh Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar Bihar
2. The Director General of Police, Bihar Bihar
3. The Inspector General of Police, Patna Zone Bihar
4. The Deputy Inspector General of Police, Patna Zone Bihar
5. The Senior Superintendent of Police Bihar
6. The Superintendent of Police, Town Bihar
7. The Deputy Superintendent of Police, Patna Town Bihar
8. The SHO Gardanibagh Police Station Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Mohan Singh, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad, SC-8
		Mr. Anil Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-12-2023 Heard learned counsel for the petitioner and the State.

2. The grievance of the petitioner is that the case instituted by him vide Gardanibagh P.S. Case No.245 of 2018 registered on 24.06.2018 for the offences alleged under Sections 467, 468, 406 and 120(B) of the Indian Penal Code as also under Section 138 of the Negotiable Instrument Act, 1881 is not being investigated. It is submitted that even after more than five years of expiry from the date of lodging of the FIR, the

investigation of the case has not proceeded because the I.O. is showing complete indifferent attitude and is not ready to take care of the investigation of the case.

3. It is further submitted that the representations made to the various senior police officials, as contained in Annexure- '3' and '5' to the writ application, have gone unattended and they have failed to draw the attention of even senior police officials of the State.

4. It is further submitted that the petitioner has filed an application in the court of learned A.C.J.M.-XIV, Patna also seeking a direction to the I.O. to submit the progress report but that application has not been considered.

5. Learned counsel for the State submits that, in such circumstance, an appropriate direction may be issued to the competent authority as well as the learned court below.

6. Having regard to the facts and circumstances of the case and the kind of grievance raised before this Court, this Court directs the Senior Superintendent of Police, Patna (respondent no.5), the Deputy Superintendent of Police, Patna Town, Patna (respondent no.7) and S.H.O., Gardanibagh police station (respondent no.8) to take note of the grievance of the petitioner and ensure proper investigation of the case with all

consequential action whatsoever is required within a period of four months from the date of receipt/communication of a copy of this order.

7. The Senior Superintendent of Police, Patna shall review the progress made in the case so far and in case it is found that the I.O. of this case is sitting idle in the matter and no progress has been made in course of investigation for more than five years without there being any cogent reason, it would be desirable to take appropriate action in administrative side against such officer who has remained idle sitting over the investigation for no plausible reason.

8. An appropriate police report be filed in the court of learned jurisdictional Magistrate within four months as stated above.

9. At the same time, this Court would also notice that the application filed before the learned A.C.J.M.-XIV, Patna prior to call for the progress report of the prosecution has not been considered. Once this application was filed, it was the duty of the learned court to call for the progress report of the investigation by the concerned I.O. and in case the court would have been of the opinion that the I.O. is not working even the learned Magistrate would have directed for change of I.O.

Reference in this regard may be made to the judgment of the Hon’ble Supreme Court in the case of **Sakiri Vasu v. State of U.P. & Ors.** reported in **(2008) 2 SCC 409** where the Hon’ble Apex Court has dealt with the power of the Magistrate under Section 156(3) Cr.P.C. to monitor the investigation.

10. It is expected that henceforth the learned A.C.J.M.-XIV, Patna shall monitor not only the progress in course of investigation of this case but even all such other matters of identical nature be considered expeditiously.

11. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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