

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1197 of 2023

Arising Out of PS. Case No.-338 Year-2021 Thana- SHRIKRISHNAPURI District- Patna

Ramendu Kumar, son of Late Banketeshwar Prasad Singh, resident of
Village- Chintemanichak Ps- Mokama Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar Sardar Patel Bhawan, Jawaharlal Nehru Marg patna
3. The Additional Director General of Police, Economic Offences Unit, Dr. Shri Krishna Singh Path, Pat Bihar
4. The Deputy Inspector General of Police, Economic Offence Unit Dr. Shri Krishna Singh Path, Patna, Bihar
5. The Superintendent of Police, Economic Offence Unit Dr. Shri Krishna Singh Path, Patna,
6. The Station House Officer, Economic Offence Unit Dr. Shri Krishna Singh Path, Patna
7. Shri Shashi Kant tiwari, Inspector of Police, Economic Offence Unit Dr. Shri Krishna Singh Path, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
For the Respondent/s	:	Mr.Vishwanath Pd. Sinha, Sr. Advocate
		Ms. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-12-2023 Heard Mr. Arvind Kumar, learned counsel for the petitioner and Mr. V.N.P. Sinha, learned senior counsel assisted by Ms. Soni Shrivastava, learned advocate for the Economic Offence Unit, Bihar (hereinafter referred to as the ‘E.O.U.’).

2. Petitioner in the present writ application is seeking a writ in the nature of mandamus commanding the respondents to complete the investigation of Shri Krishnapuri P.S. Case

No.338 of 2021, G.R. No.8202 of 2021 registered on 04.12.2021 under Sections 34, 120B, 419, 420, 423, 447, 448, 465, 466, 467, 468 and 471 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner is a member and share holder of a housing cooperative society namely Alaknanda Sahkari Grih Nirman Samiti Ltd., Patna. The society owned and possessed some lands at Boring Road, Patna out of which some lands stood allotted to the petitioner also. It is alleged that because of non-holding of the election, the managing committee of the society could not be constituted for a long time and taking advantage of this situation some people involved in creating fraudulent sale deeds in their names and began claiming the land of the society. It is alleged that they also forcibly captured some parts of the land. The present case has been lodged in connection with the said allegation.

4. Learned counsel submits that by virtue of an order passed by this Court in Cr.WJC No.809 of 2022, the Director General of Police, Bihar considered the grievance of the petitioner and transferred the investigation of the case to the E.O.U.

5. The grievance of the petitioner, at this stage, is that

since transfer of the investigation of the case to the E.O.U., the investigating officer has not proceeded with the investigation and no progress has been made so far. In this regard, the petitioner has also filed a representation before the respondent nos.3 to 7 to complete the investigation.

6. Mr. V.N.P. Sinha, learned senior counsel for the E.O.U. has placed before this Court a copy of the instructions and submits that the stand of the E.O.U. may be found from the same. It is submitted that, in fact, in this case the petitioner who is informant of this case is not cooperating with the investigation. The case involves allotment of land during the period 1981 and 1990, the father of the petitioner was a member of the society but during his lifetime he never raised any grievance with regard to the allotments.

7. Learned senior counsel further submits that two persons named in the FIR who are members of the society are living in Sweden. It is submitted that since the matter is very old and the informant is not providing any substantive information and documentary evidence, the pace of the investigation is slow but the investigating agency has committed to conduct the proper and fair investigation of the case.

8. Learned counsel for the petitioner at this stage

submits that the allegation of non-cooperation on the part of the petitioner is not correct as the petitioner has visited the investigating officer of the case on many occasions and same may also be found from the CCTV footage of the office of the I.O. It is submitted that the petitioner has made available several documentary materials for purpose of investigation with the I.O. and if so required he is ready to file those documents in the Court also.

9. Having regard to the kind of submissions noted hereinabove on behalf of the parties, this Court is of the considered opinion that the I.O. of the case should proceed with the investigation of the case on regular basis, wherever required he may serve a notice upon the informant to appear and produce materials, if any, with a view to get assistance in course of investigation and it is expected that the petitioner shall also cooperate in course of investigation of the case. The Superintendent of Police, E.O.U., Bihar shall conduct supervision of the case from time to time and issue appropriate instruction to the I.O. All efforts be made to conclude the investigation as early as possible.

10. In case, the investigation does not progress despite all cooperation by the petitioner for a reasonable period, it will

be open for the petitioner to move this Court for an appropriate order.

11. This writ application is disposed of with the above observations and directions.

12. Let the copy of the instruction be kept on the record.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--