

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1265 of 2021

Arising Out of PS. Case No.-120 Year-2019 Thana- BARSOI District- Katihar

NAZ FATMA Daughter of Late Niyaz Ahmad, wife of Abdul Rahman
Resident of Village - Bengitola, P.S. - Barsoi, District – Katihar
... Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, PATNA Bihar
2. The Inspector General of Police, Range/Zone, Bhagalpur, Bihar
3. The Superintendent of Police, Katihar, District – Katihar, Bihar
4. The Sub- Divisional police officer, Barsoi, District – Katihar, Bihar
5. The officer- In- Charge, Barsoi Police Station, District – Katihar, Bihar
6. Abdul Rahman Son of Late Abdul Gafoor Resident of Village - Bengitola, P.S. - Barsoi (O.P. Kachna), District- Katihar ... Respondents

Appearance :

For the Petitioner : Mr.Najeeb Ahmad, Adv.
For the Respondents : Mr. Md. Nadim Seraj, GP V

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and the State.

The present writ petition has been filed directing the police authorities, i.e., respondents 3 to 5 to arrest private respondent no. 6 in connection with Barsoi P.S. Case No. 120 of 2019 registered for offences under Sections 498A of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

Counsel for the petitioner submits that charge sheet has been filed in this case but accused persons are moving freely and they have no respect for law.

Counsel for the State submits that the petitioner has alternative remedy available under law.



Upon considering the case it transpires to me that after amendment of 2008 notified in 2009 the concept of victimology has been inserted in the criminal justice system of India, according to which, a victim has right to appoint Advocate of his own choice under proviso of sub-section (8) of Section 24 of the Criminal Procedure Code, which categorically states that “..... Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this sub-section”.

Once the charge sheet has been framed then the next stage shall be the cognizance and then securing appearance. The petitioner at liberty to appoint his Advocate being a victim and pursue before the trial Court for issuance of process against the accused persons for speedy trial.

In this view of the matter, this writ application is **disposed off.**

(Dr. Anshuman, J)

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