

Arising Out of PS. Case No.-24 Year-2023 Thana- FESHAR District- Aurangabad

... .. Petitioner

Versus

- Respondents

Appearance :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. The petitioner in this case is seeking a direction to

the concerned respondents for arresting the respondent nos. 7 to 14 who are accused in Fesar P.S. Case No. 24 of 2023 instituted under Sections 302/504/506/34 of the Indian Penal Code. A further direction has been prayed to respondent no. 6 to do proper investigation of the case.

3. Learned counsel for the petitioner submits that the case in question has been lodged by the father of the deceased who has made specific allegations against the named accused persons in the FIR. It is submitted that earlier, an attempt of murder had been made against the deceased for which Fesar P.S. Case No. 89 of 2019 was lodged on 05.09.2019 but the investigation of the said case was kept pending till the killing of the son of the informant and only recently a charge-sheet has been submitted.

4. It is further pointed out that on 15.09.2016 itself, the private respondents had brutally assaulted the petitioner's son for which Fesar P.S. Case No. 32 of 2016 was lodged on the basis of the fardebayan of the petitioner's son (since deceased).

5. Learned counsel submits that in this case, the police was acting in collusion with the accused persons, the proper investigation was not done and only after lapse of four years, a charge-sheet was submitted in the case of year 2019. Even in the

case of the year 2016, the charge-sheet has been filed only in the year 2023.

6. Mr. Ruchikar Jha, learned AC to SC-8 represents the State. It is submitted that for purpose of proper investigation, this Court may issue appropriate direction to the Superintendent of Police, Aurangabad.

7. Having regard to the facts and circumstances of the case, the nature of allegations and the seriousness of the case, this Court directs the Superintendent of Police, Aurangabad to take an immediate review of the entire investigation conducted so far in this case and the manner in which the investigation of Fesar P.S. Case No. 32 of 2016 and Fesar P.S. Case No. 89 of 2019 were conducted earlier. The Superintendent of Police, Aurangabad shall specifically examine as to why the investigation of the two cases lodged in the year 2016 and 2019 were kept pending for over six years and four years respectively and who would be responsible for the same. An appropriate action in administrative side shall be taken to fix the responsibility of the erring officials because of whom the investigation remained pending for this abnormal delayed period.

8. So far as the present case is concerned, the

Superintendent of Police, Aurangabad shall examine it from all angles, in case, it is found that the present Investigating Officer is not working with seriousness and the delay has occurred in the investigation, he would change the Investigating Officer of the case and shall ensure that a competent Investigating Officer takes charge of the case and completes investigation from all angles within a period of six months from the date of receipt/communication of a copy of this order.

9. An appropriate report shall be submitted on completion of investigation in the court of learned Jurisdictional Magistrate.

10. The petitioner, if finds himself aggrieved by the investigation, will be at liberty to approach this Court or the competent court.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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