

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1994 of 2023

Arising Out of PS. Case No.-2410 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Kitabuddin Miya @ Kitabudin Ahmad, S/o Mustaque Ahmad R/o village-
Siswa, P.O.- Bahadurpur, P.S.- Baraharia, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna
2. The Home Secretary Govt. of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Saran Division at Chhapra, Bihar
5. The Superintendent of Police, Siwan, Bihar
6. The Station House Officer, Baraharia Police Station, District- Siwan, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Yadav, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 09-01-2025 The instant writ petition depicts an unfortunate state

of criminal administration of justice prevailing in the District

Judiciary in the State of Bihar.

2. A complaint was lodged by the petitioner against

some police personnel, alleging, *inter alia*, that he was

wrongfully arrested in connection with some fictitious case and

was implicated in a false case under the Arms Act. The

complaint was filed before the learned A.C.J.M., IIIrd, Siwan,

and it was registered as a Complaint Case No. 2410 of 2018.

The complainant and other witnesses were examined in the year



2018 itself. Since the complaint was against police personnel, the Trial Court wanted sanction under Section 197 of the Cr.P.C. for proceeding against the accused persons.

3. It is the grievance of the petitioner that police authority did not issue sanction order against the accused persons during the last 6 years under Section 197 of the Cr.P.C. and the case cannot be proceeded.

4. It is unbecoming of a police authority to leave the file for years together without any order being passed. This shows *prima facie* that the Police Department did not wish to comply with the judicial order.

5. At the same time, I am constrained to note that the order for granting sanction made by the learned A.C.J.M and non-compliance of the order by the police authority is a judicial order against which revision lies.

6. The writ petition is not maintainable under the facts and circumstances of the case.

7. In view of such circumstances, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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