

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1350 of 2017

In
Criminal Writ Jurisdiction Case No.1046 of 2012

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Sri Mahendra Sharma S/o Late Banbari Sharma, resident of Village P.O.-
Murwan, P.S.- Goh, District- Aurangabad.

... .. Petitioner/s

Versus

1. Dr. Satyaprakash Superintendent Of Police At Aurangabad and Ors
2. Sri Chandan Kumar Jha, Officer-in-Charge, Goh, District- Aurangabad.
3. Sri Kapildeo Singh, son of Nema Mahto, resident of Village- Dumra, Police
Station- Haspura, District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.
For the Opposite Party/s : Mr. Prabhat Kumar Verma - AAG 3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-04-2026 Heard Mr. Diwakar Prasad Singh, learned counsel for

the petitioner and the State.

2. The present application has been preferred:

*for issuance of rule of Contempt for
willful violation of the order of this Hon'ble
Court passed in Cr. W.J.C No. 1046 of 2012
passed on 06.05.14 by which this Hon'ble
High Court presided over by Hon'ble Mr.
Justice Aditya Kumar Trivedi directed the
respondents in following words: Quote-*

*So far, inability of the
Superintendent of Police Aurangabad to take
proper action against Suresh Paswan is
concerned, I am not satisfied therewith
because of the fact that apart from*



Departmental Proceeding, other provisions are there whereunder the act of Suresh Paswan could be properly dealt with & on account thereof, the Superintendent of Police Aurangabad is directed to take proper legal recourses against the aforesaid Suresh Paswan at an earliest. Unquote.

It is relevant to point out that the writ application was filed with a prayer to direct the respondents to produce the register appertains to receiving of salary, which was received/withdrawn from the Court below in connivance with then investigating officer, & the accused person [Opposite Party No.3]. The same register was only valuable piece of documentary evidence but the same was withdrawn from the court below by the respondent No.2 through a constable No.374 namely Sri Raghubansh Ram on 21.11.95 & since then the same register has not returned in the Court of Sri K.C. Mishra learned J.M 1ST Class at Aurangabad. This Hon'ble court directed the Superintendent of Police apart from Departmental Proceeding other provisions are there where under the act of Suresh Paswan could be properly dealt with & on account thereof, the Superintendent of Police Aurangabad is directed to take proper legal recourses.

The F.I.R was registered almost three years back but neither the accused was



arrested nor any investigation was conducted in proper manner, as such just an empty formality was committed in the name of compliance of order passed by this Hon'ble Court. The Superintendent of police & the officer-in-charge Aurangabad is not taking any interest in the investigation & also not complying the order passed by this Hon'ble Court in true perspective.

3. A show cause has come on behalf of the opposite party no. 1, the S.P., Aurangabad and as per paragraph 9, the allegation made by the petitioner, Mahendra Sharma regarding theft of record from the custody of Court and none action of Goh Police in the Goh P.S. Case No. 67 of 1994 and Goh P.S. Case No. 93/2014 has been found to be false and final report have been submitted in this regard.

4. In that background, the petitioner has liberty to file an appropriate petition before appropriate forum/ Court for the redressal of the grievance. No case of contempt is made out.

5. MJC No. 1350 of 2017 stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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