

(2000) 05 AHC CK 0120

In the Allahabad High Court

Case No : Criminal Miscellaneous Application No. 2833 of 2000

Daroga Singh @ Sri Krishna Singh and Ors.

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 04-05-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173(3), 173(8)

Citation : (2000) 05 AHC CK 0120

Hon'ble Judges : S.K.Agarwal, J

Final Decision : Disposed Of

Judgement

S. K. Agrawal, J.—Heard the learned counsel for the applicants and learned A.G.A.

2. This application can be disposed of without issuing notice to the respondents. The State has already been served. There are two contentions raised by the learned counsel for the applicants before this Hon"ble Court. The first contention is that since the order passed by this Court, Annexure No. 1 at page 18 contains a line that C.B.C.I.D. shall submit its report before this Court in a sealed cover, the contention in the nutshell is that the C.B.C.I.D. must not have submitted its report before the Magistrate concerned and the Magistrate should not have taken cognizance on the basis of such a chargesheet unless it was directed by this Court to it. So far as this matter is concerned without entering into the merit and demerit of the order. I deem it proper to find that since the cognizance is taken by the Magistrate on the submission of the chargesheet by the C.B.C.I.D.

It is better not to go into this controversy at all.

3. However, the second contention is that the police harassing the applicant inspite the fact that no further investigation is going on under Section 173(8) of Cr. P.C. either by the C.B.C.I.D. or by the local police. If there is any substance in this contention, either C.B.C.I.D. or the local police have no authority to act alter submission of a chargesheet and they must refrain from taking coercive act ion against these applicants, specially when the summons have already been issued

by the committal Court also if there is no requisition sent by the C.B.C.I.D. for the arrest of the accused persons other than Daroga Singh alias Sri Krishna Singh. The applicants shall also ensure their appearance in compliance of the summons and committing Court shall proceed against them in accordance with law thereafter.

4. With these directions thus application is finally disposed of. If any further investigation is still continuing the police or C.B.C.I.D. is free to act in accordance with law. A copy of this order shall be given to the learned A.G.A. within 48 hours and also to the learned counsel for the applicants on payment of usual charges.