

Bihar Administrative Service Association

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Sunil Kumar Tiwary
General Secretary
Mob. No.- 9431085120

Memo No 21

Date 09/02/2023

Vice President

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Treasurer

Shashi Shekhar
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To,
**DIG-cum-Senior Superintendent
of Police, Patna.**

Subject:- Non-lodging of FIR and non-initiation of investigation.
Reference : Your letter no. 554 dated 06.02.2023

Sir,

With reference to the above mentioned subject, I would like to draw your attention to Your letter no. 554 dated 06.02.2023 (Photo Copy is annexed herewith) in which you have referred the letter no E/B. 01-425-6211 dated 09.06.2008 of Home Department , Bihar on the basis of which, vide your letter no 536/Crime Branch dated 03/02/2023 , you have sought permission/guideline from Principal Secretary, General Administration Department, Bihar for lodging FIR against Mr K K Pathak, Additional Chief Secretary, Prohibition and Excise and Registration Department, Bihar-cum- Director General, Bihar Institute of Public administration and Rural Development , Bihar for allegedly abusing All people of Bihar, All Deputy Collectors of Bihar and All Officers of Registration Department including female officers thereby spreading hatred, enmity in the society among the people of Bihar.

It is surprising to note that despite supplying the CD of viral video on almost national level TV and various local channels as speaking evidence, no action from police station proves beyond doubt that Bihar police is under undue influence of senior most IAS officer, Mr K K Pathak who has been accused namely in our application.

I would like to draw your attention towards the most crucial landmark judgement when it comes to matters relating to the registration of FIR in the **Lalita Kumari vs Govt.Of U.P.& Ors on 12 November, 2013 (WRIT PETITION (CRIMINAL) NO. 68 OF 2008)** passed by Hon'ble **Supreme Court of India**. In this judgement, **Hon'ble** Supreme Court has laid down eight guidelines that are to be followed by the police till date. The essential question that arose in the case of Lalita Kumari was, "**whether it is binding for the police to lodge an FIR when it is informed about the occurrence of an offence which is cognizable in nature?**".

The Apex Court affirmatively answered this question and ruled that it is obligatory for the police to lodge an FIR on receiving information that discloses the commission of a cognizable offence. The Court further held that if it is clear that a cognizable offence has been committed, the police is not required to do any kind of preliminary inquiry. It means that the preliminary inquiry is valid merely to the extent of determining whether the offence committed is cognizable or not. Furthermore, the Apex Court clearly mentioned the kind of cases in which the preliminary inquiry could be conducted by the police, which are family disputes, commercial offences, medical negligence cases, corruption cases and cases with abnormal delay. Also, the Court ordered that the preliminary inquiry must be started within 7 days of receiving the information of offence.

Therefore, I request you to take initiative with the Secretariat Police Station, Patna to expedite the FIR which has been lodged by the by me on behalf of Bihar Administrative Service Association at the earliest so that faith in the police system of Bihar could be restored.

Enclosure : As Above

yours sincerely


Sd/-

(Sunil Kumar Tiwary)

Memo No:

Date:

CC : Chief Secretary, Bihar/Director General Of Police, Bihar/Principal Secretary, General Administration Department, Bihar for information and necessary action.


09/02/2023
(Sunil Kumar Tiwary)