

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7934 of 2015

Arising Out of PS.Case No. -14 Year- 1982 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Shiva Prakash Gupta Son of late Kusheshwar Prasad Gupta resident of Village -
Bhikhadih, P.S.- Sangrampur, District- Munger.

.... Petitioner.

Versus

The State of Bihar through Vigilance Department, Patna.

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Ashwini Kumar Gupta, Advocate.

For the Opposite Party : Mr. Ramakant Sharma, Sr. Advocate.

Mr. Santosh Kumr Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-12-2015

By way of the present application under Section 482 of the Code of Criminal Procedure, 1973 (for short “ CrPC”), the petitioner seeks quashing of the entire criminal proceeding in Special Case No. 122 of 2002, arising out of Pakridayal P.S. Case No. 14 of 1982, pending in the Court of Special Judge Vigilance, (North Bihar), Muzaffarpur on the ground of inordinate delay of 33 years and still charges have not been framed.

2. By an order dated 04.09.2015 this Court called for a report from the learned Special Judge Vigilance, (North Bihar), Muzaffarpur, as to why the charges have not been framed in the aforesaid case despite lapse of 33 years from the date of institution

of the F.I.R. In compliance with the aforesaid order dated 04.09.2015, the In-charge Special Judge, Vigilance, (North Bihar), Muzaffarpur has submitted his report dated 25.11.2015.

3. On perusal of the said report, it would be apparent that the petitioner is evading his appearance before the Court below since long. The police submitted charge-sheet against the petitioner and two others on 17.05.1994 and thereafter, summonses were issued against them by the Court below. However, all steps taken by the Court to ensure appearance of the accused persons for framing charges against them have turned futile. It would be evident from the report that due to non-appearance of the accused persons, charges could not be framed till date. It would further appear from the report submitted by the trial Court that the petitioner had moved an application under Section 438 CrPC before this court for grant of anticipatory bail vide Criminal Miscellaneous No. 51377 of 2014, which was dismissed by a co-ordinate Bench of this Court vide order dated 09.05.2015 and the petitioner was directed to surrender in the Court below within four weeks and pray for bail. Apparently, defying the order dated 09.05.2015 passed by this Court, the petitioner has chosen to file the present application under Section 482 of the CrPC on 23rd February, 2015.

4. In view of the facts noted, hereinabove, I am of

the opinion that the petitioner has got no respect for law. He has suppressed vital facts from the Court. He is trying to obtain order in his favour by hook or by crook. The application, being devoid of any merit, is hereby dismissed.

5. The Superintendent of Police, Vigilance Investigation Bureau, Patna is directed to take all coercive steps to ensure arrest and production of the petitioner before the Court forthwith.

6. The Registry is directed to send a copy of this order to the Superintendent of Police, Vigilance Investigation Bureau, Patna, forthwith.

(Ashwani Kumar Singh, J.)

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