

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 58 of 2015

Arising Out of PS.Case No. -35 Year- 2009 Thana -C.B.I CASE District- MUZAFFARPUR

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1. Wakil Prasad Yadav, S/O Sri Kishna Prasad Yadav
 2. Smt. Neena Devi, W/O Sri Wakil Prasad Yadav
 3. Miss Aditi, D/O Sri Wakil Prasad Yadav, All Resident of Krishna Kutir,
Abhiyanta Nagar, Gola Road, P.S. - Rupaspur, Distt. - Patna
- Appellants

Versus

1. The State of Bihar through Vigilance
- Respondent
- =====

Appearance :

For the Appellants : Mr. Hemant Kumar, Advocate
For the Respondent : Mr. Kedar Singh, Advocate to
Sri Rama Kant Sharma, (L.O., I/C Vigilance)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

5 01-05-2015 Heard learned counsel for the appellants and learned
counsel for the State.

This appeal is directed against the order dated 11.12.2014 passed by the Authorized Officer, Special (Vigilance) Court No. 1, Muzaffarpur in Confiscation Case No. 03 of 2012 arising out of Vigilance P.S. Case No. 35 of 2009 by which he has rejected the petition dated 20.05.2014 of the appellants under Rule 11(b) of the Bihar Special Courts Rule, 2010 and declined to supply the demanded papers.

It has been mentioned in the impugned order that appellants were furnished with documents on 01.05.2014 but they repeatedly making a grievance that various documents are missing in the paper supplied to them which are relevant papers and highly



essential for filing show cause in the case. The appellants have given a list of documents sought to be furnished, which are the copy of search cum seizure list, the copy of valuation report of gold jewellery, the copy of valuation report of house-hold goods, the copy of documents mentioned at Sl. No. 1 to 12 of the list of movable assets to the confiscation petition and the copy of field book related with valuation report of Technical Cell of Vigilance Department of the building at Patna mentioned at Sl. No. 1 in list of immovable property of the confiscation petition.

However, the stand of the respondent-State is that the State filed a petition on 21.10.2014 in response to the aforesaid petition of the appellants in which it is stated that original copy of most of the documents are in the knowledge of the appellants and copies of the document like search-cum-seizure list has been received by the appellants but even then to avoid any further complication, the State served the copies of documents again which has been listed in paragraph 3 of the petition comprising of 62 pages. It has further been asserted that the appellants are repeatedly demanding, even though the copies demanded supplied on 20.05.2014 but even then demand of these documents on 05.11.2014 stating that the State-Vigilance has failed to supply the paper demanded and have still not complied according to Section

11(b) of the Bihar Special Courts Rules.



Hence, taking into consideration these facts and submissions, the Authorized Officer has recorded the finding that he found that almost all the documents have been furnished to the appellants and no further document is relevant or required to be furnished to the appellants. It has further been observed that in response to the petition dated 20.05.2014 and 25.11.2014 the learned Special P.P. filed all those documents in 62 sheets which have been supplied to the appellants in response to their petition dated 20.05.2014 and hence, it has been observed that almost all the documents have been furnished to the appellants. It has further been observed that the Vigilance Department taken a stand that the particulars furnished is sufficient and no further document is relevant or required to be furnished to the appellants and they are entitled to take any defence for non-supply of the document. Their defence for non-supply of the documents only to harass and delay the disposal.

The learned Authorized Officer has further observed that the grievance of the appellants can be considered only after they file their show cause and spell out their defence that they are handicap in taking defence for want of any particular document which they deem relevant and ought to have been supplied to

them.

Hence, having regard to the fact that since the stand of the respondent that all the relevant documents have been furnished by the Vigilance and the Authorized Officer has observed that the appellants are free to take any defence including non-supply of the relevant document which shall be considered during the hearing of the confiscation case. Hence, I do not find any merit to interfere with the order impugned. The appellants may avail the benefit if the document has not been supplied.

With this observation, the petition is disposed of.

(Gopal Prasad, J.)

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