

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1094 of 2013

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Sri Awadesh Prasad Singh son of Late Ram Nandan Prasad Singh, resident of village- Pokhraise, P.S.- Smastipur Sadar. District- Samastipur, presently residing at Main Road Shivpuri, P.S.- Shashtri Nagar, District- Patna 800023.

.... Petitioner/s

Versus

The State of Bihar through the Vigilance

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumra Prasad, Advocate
: Mr. Hemant Kumar, Advocate
For the Respondent/s : Mr. Ramakant Sharma, Sr. Advocate (L.O.(I/C Vigilance)
: Mr. Rabindra Kumar A/C to L.O. I/C Vigilance

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

8 25-03-2015 In this application under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for quashing of the entire proceedings of Special Case No.1 of 2011 arising out of Special Vigilance Unit P.S.Case No.1 of 2008 pending in the court of Special Court-II-cum-Authorised Officer, Patna on the ground that initiation of confiscation proceedings filed by the State Vigilance in the above said case is in contravention of Rule 14(3) of the Bihar Special Courts Rules, 2010 (hereinafter referred to as “ the Rules, 2010”).

It has been contended that the Rule 14(3) of the Rules, 2010 prescribes that the application filed before the Authorised

Officer shall be in Form-III which deals with registration of confiscation cases. The vigilance has not filed the application before the Authorised Officer in proper format and the application does not contain the information in column 8, 9, 10 and 11 of Form-III of the Rules, 2010.

In my view, instead of filing a writ application before this Court, the petitioner ought to have raised an objection in this regard before the Authorised Officer first in order to show as to what prejudice has been caused to him due to non-furnishing of information as required in those columns of Form-III of Rule 14(3) of the Rules, 2010.

At this stage, learned counsel for the petitioner seeks leave to withdraw this application in order to move first before the Authorised Officer in this regard.

Leave is granted.

The application is disposed of as withdrawn with liberty aforesaid.

Md.S./-

(Ashwani Kumar Singh, J)

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