

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27215 of 2011

Arising Out of PS.Case No. 46 Year- 1995 Thana -null District- PATNA

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Dinesh Pd. Singh son of late Ram Pyare Singh, resident of V.I.P. Colony,
Bikramganj, Police Station Bikramganj, District Rohtas

.... Petitioner/s

Versus

The State of Bihar through Vigilance (Cabinet)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Singh, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate, Law Officer,
I/c Vigilance

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-08-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 20.11.2008 passed by the Special Judge, Vigilance I, Patna in Special case No.46 of 1995 arising out of Natwar P.S. case No.90 of 1995.

The case was instituted by the Officer Incharge of 20 Point Programme Implementation, Rohtas. He reported that in execution of certain scheme with regard to construction of a road, certain irregularities were committed, which suggested that there was defalcation of Rs.15,648/-. This case was instituted on 6.8.1995 but charge sheet was submitted on 17.8.2008 and cognizance was taken on 20.11.2008.

Since the Petitioner was a Government official, sanction had been sought for his prosecution, which was refused as is evident

from Annexure-4, an order dated 21.10.2010 passed by the Special Secretary, Government Rural Works Department, Bihar, Patna.

The submission of the Petitioner is that the order of cognizance in such circumstances is bad in law.

On going through the First Information Report, I find that the allegations are absolutely vague and unclear with regard to complicity of the Petitioner or for that matter any of the accused persons.

In such circumstances, the application is allowed and the proceedings, so far as the Petitioner and Om Prakash Banka is concerned against whom sanction was refused, including the order of cognizance dated 20.11.2008 passed by the Special Judge, Vigilance I, Patna in Special case No.46 of 1995 arising out of Natwar P.S. case No.90 of 1995 is hereby set aside.

Application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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