

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2829 of 2015

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1. Harendra Kumar S/o - Late Kali Charan Ram R/o - Block - E, Flat No. 402, Mangal Vihar Apartment, Jagdeo Path, Bailey Road, P.O. - Bihar, Veterinary College, P.S. - Rupaspur, Distt. - P

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Dy. Inspector General of Police, Chamaparan Range, Bettiah.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Additional Superintendent of Police, Sadar-Conducting Officer, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.P Srivastava and Mr. Amit Bhushan
For the Respondent/s : Mr. Prabhu Narayan Sharma A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL ORDER

4 04-05-2015 The petitioner could have had a case for interference with the order of punishment as well as affirmation of the same by the appellate authority, provided the evidence of guilt was not there against the petitioner and finding of guilt was not recorded on the basis of evidence.

It cannot be the case of the petitioner that the respondent- disciplinary authority had punished the petitioner without giving him an opportunity to produce defence evidence or opportunity to cross examine the witness. Reading of Annexure 4 indicates that the evidence was brought against the petitioner. He did not offer any defence evidence or

cross examined any witness. Now he takes a plea that he cannot be punished on the basis of such an enquiry. It is not the case of the petitioner that merely because he kept silent he came to be punished. A full-fledged enquiry was held and evidence has come on the allegation brought against the petitioner. On a reading of Annexure 4, Annexure 5 is the natural corollary and minimum of punishment which could be imposed visited the petitioner which was with-holding of one increment amounting to two black marks

In the opinion of the Court it is a case of serious omission to perform duty as a police officer to curb illegal activity within his jurisdiction. This Court does not have to deal in details as to why such criminal activities are going on unhindered and under whose protection.

Be that as it may, no case is made out to interfere with the order of punishment or with the order of appellate authority passed against the petitioner because they are based on findings of fact and finding of guilt, against the petitioner.

The writ petition is dismissed.

(Ajay Kumar Tripathi, J)

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