

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12689 of 2014

Arising Out of PS.Case No. -21 Year- 2013 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Deep Narain Pathak, son of Kedar Nath Pathak, resident of Kamalnath Nagar, P.s.-
Bettiah, Mufassil, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate with
Mr. Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Prasad Singh, Sr. Advocate with
Mr. Rajeev Ranjan Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-05-2015

The Petitioners seek quashing of the order dated
16.09.2013 by which the Special Judge, Vigilance, 1st, Patna, has
refused to release the following documents in favour of the
Petitioner in Special Case No.30 of 2013:

“Sl. No.2- The Pass-Book of Axis Bank of Supria Road
Branch bearing A/C No.911010049479479320 which
stands in the name of the Petitioner,

Sl. No.3-The Cheque-book of HDFC Bank which
belongs to the Petitioner,

Sl. No.4- The Cheque Book which also stands in the
name of the Petitioner,

Sl. No.5- The Cheque Book which stands in the name
of the Petitioner,

Sl. No.6- The Pay-in-slip showing the deposit of Rs.3
lakhs by the Petitioner in the I.C.I.C.I. Bank

Sl. No.7- The pay-in-slip showing deposit of
Rs.4,75,000/- and Rs.5,000/- in the I.C.I.C.I. Bank by
the Petitioner,

Sl. No. 8 to 10- The personal diaries maintained by the

Petitioner,

Sl. No.11- The Pass Book of Central Bank of India which belongs to the Petitioner,

Sl. No.12- The estimate in respect of the price of a car which was supplied to the Petitioner by the Friends Automobile Company,

Sl. No.15- The Invoice issued by the R.C. Enterprises in respect of purchase of a car by the Petitioner,

Sl. No.16- The sale certificate of the Motor cycle of the Petitioner.”

Fact of the case is that brother-in-law of the Petitioner was main accused in the present case and in course of search in his house the aforesaid documents were recovered and seized.

The Petitioner submits that he has no objection that Xerox copy of the aforesaid documents be kept with the Court and any transaction which has taken place and will take place in future will be subject to final out come of the case. He is ready to surrender entire proceeds which are raised against him after the case is finally adjudicated.

Counsel for the Economic Offence Wings submits that the Petitioner is not co-operating with the Investigating Officer.

The Petitioner is directed to do so in the interest of justice.

The Court below is directed to release the aforesaid documents to the Petitioner on his giving an undertaking that he will produce the same as and when required by the Court as also all the

transactions which have taken place before or after will be subject to final out come of the case.

If any Account has been frozen, the parties will proceed in accordance with law.

With the aforesaid observation/direction, the application stands disposed off.

(Anjana Prakash, J)

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