

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.560 of 2016

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1. Naveen Kumar, Son of Late Rajendra Prasad Singh @ Rajendra Singh,
Resident of Village- Mafi, Post Office and Police Station- Warisaliganj,
District- Nawada.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Land Reform and
Revenue Department Government of Bihar, Patna.
2. The Principal Secretary, Land Reforms and Revenue Department,
Government of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Superintendent of Police, Nawada.
5. The Officer-In-Charge, Warisaliganj Police Station, Warsaliganj,
Nawada.
6. The Circle Officer, Warsaliganj, Nawada.
7. The Halka Karmchari No. 7, Warsaliganj, Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Respondent/s : Mr. Jawahar Pd. Karan

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 17-09-2016 Heard Mr. Mirtunjay Kumar, learned Counsel for the

petitioner, and Mr. Durgesh Nandan, learned Counsel for the State

respondents.

Having regard to the fact that the petitioner's complaint
that respondent Nos. 6 and 7 have committed the offences, under
Section 420 of the Indian Penal Code, no sanction for prosecution
is required in terms of Section 197 of the Code of Criminal
Procedure, this writ petition, made under Articles 226 and 227 of
the Constitution of India, is not maintainable and, as has been
sought for, it is allowed to be withdrawn by the petitioner with

liberty given to the petitioner to approach this Court with appropriate application, in future, if so advised.

No objection has been raised to the prayer for withdrawal made by the petitioner.

In view of the above and in the interest of justice, this writ petition is hereby disposed of as withdrawn with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised.

It is made clear that for prosecution of offences alleged to have been committed under Section 420 of the Indian Penal Code by respondent Nos.6 and 7 herein, no sanction in terms of Section 197 of the Code of Criminal Procedure is required, and there is, therefore, no impediment in law in proceeding with the complaint, in question, on the ground of lack of sanction if the complaint otherwise discloses commission of offence and is fit to be proceeded with.

The direction, therefore, given by the learned Chief Judicial Magistrate, Nawada, in Complaint Case No. 1537 of 2015 to the complainant petitioner that he shall obtain sanction for prosecution of the case is untenable in law and is, therefore, set aside.

(I.A. Ansari,CJ)

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