

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4910 of 2014

Arising out

Civil Writ Jurisdiction Case No. 7749 of 2013

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Dr. Shri Chandra Bhawnani, son of Late Prem Chand, Resident of M.I.G.-
311, Kankarbagh Colony, P.S.-Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Department of Home, Government of Bihar, Patna.
2. Ashok Kumar
3. Arun Kumar
4. Dilip Kumar

All sons of Late Shiv Prasad, Resident of Ram Lakhan Path, Road No. 8,
Ashok Nagar, P.S.- Kankarbagh, District- Patna.

.... Opposite Parties

5. Dr. (Mrs.) Tulsi Ballani, D/o Late Seth Prem Chand and Late Saraswati Devi (Bai) and Wife of Shri Murli Manohar Ballani, at present resident of SFS, 7 HF 3/19, HIG Flats, Bahadurpur Housing Colony, Kankarbagh, P.S.- Agamkuan, Patna.
6. Dr.(Mrs.) Vidya Minz, /o Late Seth Prem Chand and Late Saraswati Devi (Bai) and Wife of Shri Sohan Madhukar Minz, resident of SFS, 99,DDA Flats, New Kalkazi, New Delhi.

Both 5 and 6 represented through their Power of Attorney Holder, Dr. Shri Chandra Bhawnani, son of Late Prem Chandra and Late Saraswati Devi, Resident of MIG 311, Kankarbagh Colony, P.S.- Lohianagar, P.S. Kankarbagh, District- Patna.

..... Respondents/Opposite Parties

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

9 12-04-2016

Heard learned counsel for the parties.

Pursuant to order dated 02.09.2015, explanation has been submitted by the then Sub Judge III, Patna namely Mr. Krishna Pratap Singh, who is presently posted as Additional District and Sessions Judge –III Patna, dated 23.09.2015.

Upon going through the same, the Court feels that it is reiteration of his original stand, but in view of the finding recorded in the order dated 02.09.2015, the Court finds the same to be totally inadequate and without any substance and thus, is rejected.

The Court could have recorded a finding with regard to misconduct of the officer concerned and contempt committed by him, but refrains from doing so in view of the action proposed in the matter.

In the considered opinion of the Court, Hon'ble the Chief Justice, being the guardian of the Institution, would be a more appropriate forum where the matter deserves to be referred moreso, in view of the fact that, as has been informed by learned counsel for the petitioner, a complaint has already been filed against the officer concerned by the petitioner before Hon'ble the Chief Justice, copy of which has been brought on record by way of Annexure-4 to the supplementary affidavit filed on 08.10.2015.

Accordingly, Registry is directed to place the entire

records of the case before Hon’ble the Chief Justice forthwith to enable him to decide the action to be taken in the matter.

During the pendency of this application, a complaint was also received by the Court from one Vijay Singh of village – Parsa Bazar, P.S- Parsa Bazar in the District of Patna against the same officer. As per the direction of the Court, the complaint was tagged with the present case and is on record.

The Court thus refers the said matter also to Hon’ble the Chief Justice as it deals with complaint against the same officer.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Sujit/-

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