

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24756 of 2013

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Navin Kumar Son of Late Mahendra Prasad Singh Resident of Village and P.O. Jaitpur , P.S. Barahiya, District - Lakhisarai, Presently Mukhiya of Gram Panchayat Raj , Jaitpur, Block - Barahiya, District - Lakhisarai

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
3. The Joint Election Commissioner, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna
4. The District Magistrate-cum-District Election Officer (Panchayat), Lakhisarai, District - Lakhisarai
5. The Block Development Officer, Barahiya, District - Lakhisarai
6. The Station Head Officer, Barahiya Police Station - District - Lakhisarai
7. Rakesh Kumar Son Of Sri Balmiki Singh Resident Of Village and P.O. Jaitpur, P.S. Barahiya, District - Lakhisarai

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate
Mr. Ravi Ranjan, Advocate

For the Respondent/s : Mr. Rakesh Ranjan, Advocate
A.C. to G.A.-12

For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 22-04-2016

Counsel for the parties are present.

The petitioner is aggrieved by the order dated 04.7.2013 passed by the State Election Commission whereby the State Election Commission has directed the District Magistrate to institute a criminal case against the petitioner for filing a false affidavit in his nomination form under the provisions of Section

125A(3) of the Bihar Panchayat Raj Act, 2006 and Sections 177 and 188 of the Indian Penal Code.

Although Mr. Ravi Ranjan, learned counsel appearing on behalf of the petitioner has endeavoured to contest the opinion of the Election Commissioner as to whether the action complained of against the petitioner indeed would constitute a criminal offence but admits that a criminal case has been instituted.

In the circumstances discussed and since the order passed by the Commission has taken its effect resulting in the institution of the criminal case, I deem it fit and proper to dispose of the writ petition with a liberty to the petitioner to raise all issues as raised in the present writ petition before the Criminal Court concerned in the pending criminal case and the court concerned would consider the plea raised by the petitioner on its own merits without being prejudiced by the expression of the State Election Commission.

The writ petition is disposed of.

(Jyoti Saran, J)

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