

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.813 of 2016**

Arising Out of PS. Case No. -28 Year- 2011 Thana –Vigilance District- PATNA

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1. Nand Kishore Prasad Sinha, Son of Late Chandeshwar Prasad Sinha, Resident of village- South Chandmari Road, Lohia Nagar, Police Station- Kankarbagh, District- Patna.
  2. Arun Dwivedi son of Late Sri Shyamdeo Dwivedi resident of B/8, Sector-D, Kankarbagh Colony, P.S.- Kankarbagh, District- Patna.
  3. Fanindra Kumar Singh, son of Late Amrendra Kishore Singh, resident of Mohalla- Sadhugachhi Akharaghat, P.O.- Sekhpur, P.S.- Ahiyapur, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Bihar, Patna.
4. The Superintendent of Police, Vigilance, Bihar, Patna
5. The Deputy Superintendent of Police, Vigilance, Bihar, Patna
6. The Secretary, Bihar Vidhan Sabha, Bihar, Patna.

.... .... Respondents

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**Appearance:**

For the Petitioner/s : Mr. Bindhyachal Singh, Advocate.  
Mr. Vipin Kumar Singh, Advocate.

For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate.  
Mr. Rakesh Kumar Sharma, Advocate.

For Respondent No.6 : Mr. D. K. Sinha, Sr. Advocate.  
Mr. Balram Kapri, Advocate.

For the Intervener : Mr. Ajay Kumar Thakur, Advocate.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**ORAL JUDGMENT**

**Date: 24-11-2016**

The petitioners seek a direction for completion of the investigation in Vigilance F.I.R. No. 028/2011 dated 09.05.2011 registered under Sections 420, 467, 468, 471, 477(A), 201 and 120(B) of the Indian Penal Code and Section 3(2) read with Section 3(1)(D) of Prevention of Corruption Act, 1988.

Learned counsel for the petitioners points out that in fact now, the sanction to prosecute the accused has been declined. Learned counsel for the petitioners further submitted that there was a direction of this Court in a writ petition in which the petitioners were the party, to complete the investigation, but no report has been filed

or the investigations completed.

Learned counsel for the respondents points out that the petitioners are neither the informant nor the accused. Thus, they have no locus to invoke the criminal writ jurisdiction of this Court for claiming completion of the investigation. Reference may be made to a judgment reported as (1992) 4 SCC 305, (Janta Dal Vs. H.S. Chowdhary & Analogous Cases).

I have heard learned Counsel for the parties. The sanction to prosecute the public servants has been declined. Once the sanction has been declined, no further directions can be issued in the present writ application. The question of *locus standi* of the petitioners is not required to be gone into in the present case at this stage, in view of an order declining sanction. It is open to the aggrieved parties to seek redressal of the grievances in accordance with law, but it is expected that report under Section 173 of the Code of Criminal Procedure shall be submitted before the Competent Court at the earliest.

Accordingly, the present writ application is dismissed.

**(Hemant Gupta, ACJ)**

Mishra/-

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