IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1001 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Mahendra Prasad, son of Late Kameshwar Prasad, Resident of Mahabir Colony, Hazipur, Near Anjanpir Chowk, P.S.-Hajipur Town, District - Vaishali at Hajipur, presently posted as Head Clerk in the Collectorat of Vaishali at Hajipur.

.... Petitioner

Versus

1. The State of Bihar through the Additional Director General, Vigilance Investigation Bureau, Bihar, Patna.
2. The Superintendent of Police, Vigilance Investigation Bureau-cum-Station Head Officer, Vigilance Police Station - 6, Circular Road, Patna.
3. The Police Inspector-cum-Investigation Officer, Vigilance Investigation Bureau, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.B. K. Manglam, Advocate

For the Respondent/s : Mr. Ramakant Sharma, Sr. Advocate, Law Officer, I/C Vigilance, Bihar, Patna

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-02-2016

Heard Mr. S.B.K. Manglam, learned counsel for the petitioner and learned counsel for the Vigilance.

2. By the present application preferred under Articles 226 & 227 of the Constitution of India, the petitioner seeks quashing of the first information report of Vigilance P.S. Case No.

70 of 2015 dated 31.08.2015 registered under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988.

3. It is contended by the learned counsel for the petitioner that though an explanation was sought for from the petitioner during preliminary inquiry and the petitioner had furnished his explanation to the assets in his possession, the vigilance police have erroneously instituted an FIR against the petitioner alleging therein that during the check period, i.e., between July, 1979 and December, 2006, the petitioner was found in possession of disproportionate assets worth Rs. 9,44, 561/-.

4. Learned counsel for the Vigilance has submitted that on receipt of a complaint made by one Arbind Sharma, a preliminary inquiry was conducted by an officer of the Vigilance Investigation Bureau, who has submitted a report that during the check period, the total income of the petitioner from all known sources of income was Rs. 28,52,983/-, whereas the petitioner had made investment and expenditure to the tune of Rs. 37,97,544/-.

5. I have heard respective counsel for the parties and perused the materials available on record.

6. The allegations made in the FIR do attract ingredients of the offences alleged under the Prevention of Corruption Act, 1988. The contention of the petitioner that before

instituting the case, the inquiry officer ought to have assigned reason for not accepting the explanation submitted by the petitioner is misconceived. The law does not mandate reasons to be assigned for not accepting the explanation submitted by an accused in respect of the disproportionate asset acquired by him before instituting an FIR.

7. In that view of the matter, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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