

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37431 of 2013

Arising Out of PS.Case No. -1 Year- 2011 Thana -C.B.I CASE District- PATNA

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Tej Narayan Singh @ Taj Narayan Singh Son of Late Jagarnath Singh,
resident of village – Nagwan, Police Station – Simri, District – Buxar.
..... Petitioner

Versus

The State of Bihar through the Vigilance Department, Patna
..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.(I/c Vig.))

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 16-05-2016 Heard Sri Manish Kumar No. 2, learned counsel for the petitioner and Sri Rama Kant Sharma, learned Senior Law Officer for the Vigilance Department.

The sole petitioner, invoking inherent jurisdiction under Section 482 of the Cr.P.C., has prayed for quashing of an order dated 04-07-2013 passed by the learned Special Judge, Vigilance – 1st, Patna in Special Case No. 01 of 2011 (arising out of Vigilance P.S. Case No. 01 of 2011). By the said order, petition filed on behalf of petitioner under Section 227 of the Cr.P.C. has been rejected.

Learned counsel for the petitioner, by way of referring to F.I.R., submits that it is not a case of commission of offence under Section 409 of the Indian Penal Code or Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1988 (in short “P.C.Act”). He submits that it is hardly a case against the

petitioner that maliciously he had removed the traveling allowance bill produced by the complainant, Sri Ravindra Kumar Sharma. Save and except that allegation, there is nothing to suggest commission of any cognizable offence. On aforesaid ground, a prayer has been made for setting aside the order impugned.

Besides hearing, I have also perused the material on record. So far as submission of learned counsel for the petitioner is concerned that on perusal of F.I.R. no cognizable offence is made out, the Court is of the opinion that facts disclosed in the F.I.R. itself, prima facie suggests commission of cognizable offence. Moreover, for a public servant, it amounts to misconduct within the meaning of the provision contained in the P.C.Act. Besides this, I have also perused the impugned order, which does not indicate apparent error warranting interference by this Court.

The petition stands dismissed.

In view of the fact that the case was instituted in the year 2011, while dismissing the present petition, it is desirable to observe that learned trial court may take appropriate step for early disposal of the case, in which, Vigilance Department shall render full assistance to the trial court.

(Rakesh Kumar, J.)

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