

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17127 of 2016

Arising Out of PS.Case No. -87 Year- 2010 Thana -C.B.I CASE District- PATNA

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Dinbandhu Ram, Son of late Roshan Prasad Resident of Village Gwalpati
@ Bhuwalpatti , PS Thaka, Rahan, District west Champaran (Bihar), At
present residing at Village Bhatauliya, PO Tamakuhi, PS Tariya Sujan,
District Kushinagr (Uttar Pradesh)

.... Petitioner

Versus

The State of Bihar Through The Vigilance Department

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamala Kant Tiwary, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-08-2016 Heard Shri Umashankar Prasad, learned senior counsel

appearing on behalf of petitioner and learned counsel appearing on
behalf of Vigilance.

The petitioner filed this petition under Section 482
Cr.P.C. for quashing the order dated 03.03.2016 passed in Special
Case No. 34 of 2010, corresponding to Vigilance Case No. 87 of
2010 by which the petition of the petitioner filed under Section
239 Cr.P.C. has been dismissed. On the basis of complaint filed by
the complainant Satya Narayan Prasad Gupta before the vigilance
the vigilance department constituted a team and caught the
petitioner red handed accepting the bribe of Rs. 2000/-. On such,
Special Case No. 34 of 2010, corresponding to Vigilance Case No.

87 of 2010 was registered. The police after investigation submitted charge sheet under Sections 7, 13(2) read with Section 13(1) of the Prevention of Corruption Act, 1988 whereupon the cognizance was taken.

The petitioner filed petition under Section 239 Cr.P.C. on 08.01.2013. The learned Special Judge, Vigilance, Patna after hearing both the parties vide order dated 03.03.2016 dismissed the petition of the petitioner for his discharge. Thereafter, the petitioner moved this Court.

Shri Umashankar Prasad, learned senior counsel appearing on behalf of petitioner has submitted that the petitioner rejected the petition of the complainant Satya Narayan Prasad Gupta for grant of Kissan Credit Card loan on 15.10.2010 vide Annexure-5 page 29. The petitioner also informed the Regional Manager of the bank on 26.06.2010 itself that Satya Narayan Prasad Gupta used to make frivolous complaint petition. No application for grant of Kissan Credit Card loan of the complainant Satya Narayan Prasad Gupta was pending before the petitioner, the branch manager of the bank. Therefore, the entire exercise of raid by the vigilance is concocted and set up. This is admitted fact that there was no application of Kissan Credit Card of the complainant Satya Narayan Prasad Gupta was pending

before the petitioner. It is submitted that on these facts the entire proceeding is fit to be quashed.

Learned counsel for the petitioner placed reliance on judgment of Supreme Court reported in ***AIR 2000 SC (3330) K. Ramakrishna and Ors. v. State of Bihar & Anr.***

It appears that on the basis of the complaint filed by Satya Narayan Prasad Gupta a preliminary enquiry was held by vigilance department on the facts as to whether the petitioner asked for any bribe from the complainant. Thereafter, raiding team was constituted and the petitioner was caught red handed while accepting bribe of Rs. 2000/-. After investigation the vigilance department submitted final form finding the case true against the petitioner.

It is admitted fact and settled law that once a criminal case is lodged it should come to a logical end after conclusion of trial. The inherent jurisdiction under Section 482 Cr.P.C. cannot be invoked to cut short the process when evidence required to be produced to prove the charge and rebut the charge.

In the present case, the raiding party apprehended the petitioner while accepting bribe and it is the defence of petitioner that he rejected the petition of the complainant Satya Narayan Prasad Gupta for grant of Kissan Credit Card but there is nothing

on record to show that no petition was pending for grant of K.C.C.
The accused requires to bring those facts in evidence to prove that the raid was set up on.

On perusal of the facts, I find that the judgment on which reliance is placed is not applicable to the present case, inasmuch as, the facts of the aforesaid cases were that the bank officials were not concerned at all with the irregularities committed in the aforesaid case and on that ground the proceeding was quashed.

Considering the facts aforesaid, I do not find any merit in this case. Accordingly, the quashing petition is dismissed.

It is made clear that any observation made therein shall not prejudice the case of either side.

(Prabhat Kumar Jha, J.)

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