

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18569 of 2016

Arising Out of PS.Case No. -13 Year- 2013 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Surendra Tiwary, son of Late Ram Raj Tiwary, resident of village- Amehta,
P.S.-Agion Bazar, District- Bhojpur.

Presently residing at Road No.25/D, Rajeev Nagar, P.S.-Rajeev Nagar,
District- Patna.

.... Petitioner

Versus

The State of Bihar, through the Economic offence Unit, Patna, Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.
Mr. Rajesh Kumar Singh, Adv.

For the Opposite Party : Mr. Vishwnath Pd. Sinha, Sr. Adv.
Smt. Soni Shrivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 26-09-2016

Heard learned counsel for the parties.

This application has been filed for quashing the
order of cognizance dated 26.07.2014, passed by the S.D.J.M.,
Patna in F.I.R. bearing Economic Offence P.S. Case No.13 of
2013 for the offence under Section 406, 409, 419, 420, 465, 467,
468, 469, 471, 472, 473 r/w. 120(B) of the Indian Penal Code
and under Section 66D/66E of I.T. Act.

Learned counsel for the petitioner has taken a
solitary point that the Court below has taken cognizance without
awaiting the sanction from the competent authority for

prosecution.

To fortify his view, he has placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***Surinderjit Singh Mand & anr. vs. State of punjab & anr.*** reported in ***AIR, 2016, S.C. 3251***, where the Hon'ble Supreme Court has considered the mandatory requirement of sanction at the initial stage.

This Court is of the view that it will be in the interest of justice to direct the court below to decide the issue of granting sanction by the competent authority at the time of final verdict. If the prosecution would fail to prove the order of sanction against the petitioner by the competent authority, the court below shall decide the case in accordance with law.

With the aforesaid observations and directions, this application is disposed of.

(Shivaji Pandey, J)

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