

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17436 of 2016

Arising Out of PS.Case No. -2 Year- 2007 Thana -C.B.I CASE District- PATNA

=====

Shiva Shankar Verma S/o Ram Pal Verma, resident of C-301 Shantilok
Apartment, Shekhpura, P.S.- Shastrinagar, Distt.- Patna

.... Petitioner/s

Versus

The State of Bihar through Special Vigilance Unit, Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hemant Kumar
For the Vigilance : Mr. Ramakant Sharma Sr. Adv.
Mr. Santosh Kr. Pandey, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 15-09-2016 Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner is challenging the order
taking cognizance dated 12.10.2011 passed in Special Case No. 52
of 2007 arising out of Special Vigilance P.S. Case No. 02 of 2007
for offence under Sections 13(2) read with Section 13(1)(e) of the
P.C. Act, 1988 and Section 120B/109 of the Indian Penal Code.

This case relates to having a massive property from
the known source of income. A point has been taken by the
petitioner that in the letter dated November, 2010 (Annexure-3),
the competent authority has refused to grant sanction in absence of
availability of the relevant document. Similar is the situation with
regard to letter dated 17th of February, 2011 (Annexure-4)



whereby the competent authority did not accord sanction. Thereafter, the competent authority, vide order dated 9.9.2011, after taking into consideration the relevant records and details of the fact which has been mentioned in the letter and after due application of mind, granted sanction to the petitioner.

Learned counsel for the petitioner submits that in the order dated 9.9.2011, paragraph no.17 is missing and after paragraph no.18, it has been mentioned as 70 and 71.

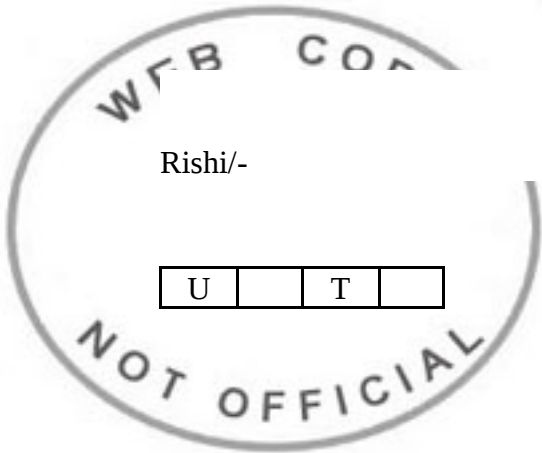
Learned counsel for the Vigilance submits that these are typographical error and it does not stand to a reason to arrive to a conclusion of non-application of mind.

These are typographical errors which have taken place due to inadvertence, cannot be a basis to say that the Authority has not applied his mind when number of fact has been mentioned in the said order.

Looking to the facts and circumstances of the case, this Court is not inclined to interfere with the order taking cognizance. However, liberty is given to the petitioner to raise all the points, including point regarding grant of sanction, at the appropriate stage and the trial court will examine the matter and decide the case in accordance with law.

With the aforementioned observation and liberty, this

application is dismissed.



(Shivaji Pandey, J)