

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.35 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 12082 of 2011**

- =====
1. Sri Satyanarayan Ji Trust, a registered Trust through its Managing Trustee Sri Bal Manohar Jalan, S/o Late Hira Lal Jalan, resident of Quila House, P.S. Chowk, Patna City, District - Patna
 2. Sri Bal Manohar Jalan, S/o Late Hira Lal Jalan, resident of Quila House, P.S. Chowk, Patna City, District - Patna

.... Appellant/s

Versus

1. The Secretary, Lokayukta, Bihar, 4 Kautilya Marg, Patna 1
2. The Senior Superintendent of Police, Patna
3. Sri Ravi Jalan, Son of Murli Manohar Jalan, resident of Quila House, P.S. Chowk, Patna City, District - Patna
4. The Officer -In-Charge Kotwali Police Station, Patna
5. Sub-Divisional Officer, Patna Sadar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigank Mauli, Advocate.
Mr. Prince Kumar Mishra, Advocate.
Mr. Sanket, Advocate.

For the Respondent/s : Mr. Ajay Kumar Rastogi, A.A.G.- 10
Mr. Parijat Saurav, A.C. to A.A.G.-10.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 10-11-2016

Re.:I.A. No. 76 of 2016

The application is for condonation of delay of 23 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 23 days in filing the present

Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 76 of 2016 is allowed and delay of 23 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 35 of 2016

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order dated 11th of September, 2015 passed by the learned Single Bench of this Court in C.W.J.C. No. 12082 of 2011 whereby, challenge to the order passed by the Lokayukta on 3rd of February, 2010 remained unsuccessful.

3. Admittedly, the Lokayukta has not proceeded in the matter but disposed of the complaint observing that if any petition is filed by either of the parties, the Senior Superintendent of Police, Patna will consider the aspect about initiation of a proceeding under Section 144 of the Code of Criminal Procedure. The grievance of the appellants is regarding the liberty granted to the Police for initiation of a proceeding under Section 144 of the Code of Criminal Procedure.

4. The liberty granted by the Lokayukta is nothing but reiteration of the right of the parties and of the jurisdiction of the Police. Such liberty does not mean to a mandate to the Police to initiate a proceeding under Section 144 of the Code of Criminal

Procedure. As and when any complaint is filed before any of the authorities, such authority is bound to examine the same in accordance with law.

5. In view of the said fact, no further orders are called for in the present Letters Patent Appeal.

6. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, ACJ)

(Ahsanuddin Amanullah, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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