

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.416 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

1. Sanjay Kumar Yadav S/o- Pulis Singh Yadav, resident of Sankat Mochan Nagar, P.S. Nawada, District- Bhojpur, Ara.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home (Police), Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, Head Quarter, Bihar, Patna.
4. The Inspector General of Police, Magadh Range, District- Gaya.
5. The Commandant, Central Reserve Police Force, Patna.
6. The Superintendent of Police, Gaya.
7. The Sub-Divisional Police Officer, Sherghati.
8. Mr. Rajeev Kumar Son of not known, at present Inspector of Police, SIG, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad, Advocate Mr. Santosh Kumar, Advocate Mr. S. A. Alam, Advocate
For the Respondent/s	:	Mr. Rishi Raj Singh, SC-19
For Union of India	:	Mr. S.D. Sanjay, ASG Mr. Tuhin Shankar, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 30-08-2016

By making this writ petition, made under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the sustainability of the trial, which is continuing in Sessions Trial No. 598 of 2014/431 of 2014(SJ), on the ground that requisite sanction, as envisaged under Section 197 of the Code of Criminal Procedure, has not been obtained in the present case and, therefore, the very act of

taking of cognizance, in the present case, suffers from lack of jurisdiction.

We have heard Mr. S.A. Alam, learned Counsel, appearing on behalf of the petitioner, and Mr. Rishi Raj Singh, learned Standing Counsel No.19, appearing on behalf of the State-respondents. We have also heard Mr. S.D. Sanjay, learned Additional Solicitor General, appearing on behalf of Union of India.

During the course of hearing, Mr. S.A. Alam, learned Counsel for the petitioner, submits that the petitioner seeks permission to withdraw this writ petition with liberty to raise the issues, already raised in the present writ petition, at the trial and, if necessary, adduce evidence in this regard.

To the submissions so made, no objection has been raised. This apart, this Court does not find the submissions, so made on behalf of the petitioner, is untenable in law or in the facts of the present case.

In view of the above and in the interest of justice, this writ petition is, after some length of hearing, disposed of with liberty granted to the petitioner to raise, at the trial, the questions, which have been raised in the present writ petition, and adduce, if required, such evidence as may be deemed necessary by the petitioner.

It is further directed that the learned trial Court shall deal with the case, in accordance with law, expeditiously and conclude the same, preferably, within a period of four months from today.

(I. A. Ansari, CJ)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	01.09.2016
Transmission Date	01.09.2016