

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2424 of 2017

Arising Out of PS.Case No. -60 Year- 2007 Thana -VIGILANCE District- PATNA

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1. Indu Sharma W/o Akhilesh Kumar Sharma R/o House No. 37, Chandan Villa, Road No. 10, Patel Nagar P.S.- Shastri Nagar, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar through Vigilance Department, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Hemant Kumar-Advocate

For the Respondent/s : Mr. Rama Kant Sharma-(L.O,I/C Vigi)
Mr. Arvind Kumar-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 30-10-2017 Heard learned counsel for the appellant as well as

learned counsel representing the Vigilance.

Gone through the order impugned. At an earlier occasion while disposing of Cr. Appeal (S.J.) No.394 of 2016, the learned lower Court was directed in following manner:-

“The learned lower Court will visualize the aforesaid event after going through the relevant order sheets minutely and in case finds that the show-cause has not been entertained condoning the delay, then in that event, the appellant will have no leg to stand, but in case finds that delay has already been condoned and further, Annexure-5 had already been legally entertained, then in that event, the Paragraph-17 got



bearing on that very score, the order impugned would not justify its prevalence.”

From the order impugned, it is apparent that learned lower Court had not properly complied with the aforesaid direction.

That being so, the order impugned is set aside. Appeal is allowed. The matter is remitted back to the learned lower Court with a warning that whenever there happens to be direction by the Superior Court, the same should be strictly followed, otherwise would amount to disobedience of the Court's order. The present controversy should be disposed of within fortnight from the receipt of the instant order.

(Aditya Kumar Trivedi, J)

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