

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21524 of 2014

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1. Nand Kishore Singh, son of Late Devendra Prasad Singh, resident of Village- Nagwan, P.S. Naubatpur, District- Patna
 2. Ram Naresh Jha, son of Late Sudisht Jha, House of Shri I.S. Mishra, D/65, Jyotipuram, Mauryapath Khajpura, P.S. Rajivnagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Election Commissioner through the Chief Election Commissioner, "Nirvachan Sadan", Ashoka Road, New Delhi-110011
3. Chief Electoral Officer, Election Department, Govt. of Bihar, 7, Sardar Patel Marg, Patna-800015
4. The Principal Secretary, Department of Home, Old Secretariate, Patna- 800015

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Respondent/s : Mr. Lalit Kishore (PAAG-1)

For Election Commission Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17 -04-2017

Inter alia contending that during the course of election, the model code of conduct issued by the Election Commission is being violated and even after criminal cases filed with regard to certain violation pointed out in para-7 of the writ petition, no action has been taken, this petition has been filed in public interest.

We find that general allegations are made with regard to violation of the model code of conduct and with regard to one of the violations in the matter of holding a public meeting contrary to



the direction of the District Magistrate when a prohibition under Section 144 of Cr.P.C. was in vogue, Kotwali police station has already registered a criminal case No.171 of 2014 and action is under progress and it is informed to us today by Mr. Lalit Kishore, Principal Additional Advocate General-1, that charge-sheet has been filed in the aforesaid case before the Court of competent jurisdiction.

That being so, no further indulgence is required in the matter.

While implementing the model code of conduct, if any action is taken contrary to law and the rights of a citizen are violated, only the citizen, whose rights are violated, may prosecute the remedy as may be available under law before the appropriate forum and at the instance of the petitioner in this Public Interest Litigation, we are not inclined to go into the matter.

This petition is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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