

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.896 of 2014

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1. Priyanka Kumari Wife of Sanjay Kumar Resident of Village-Malda, P.S. and P.O.-Barbiga, District-Sekhpura at present residing at Machhli Gali, Govardhan Lane, Raza Bazar, P.S.-Airpor, Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Vigilance Investigation Bureau

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate

Mr. Prince Kumar Mishra, Advocate

For the Respondent/s : Mr. Ramakant Sharma Sr. Adv.(Law Off. Vig)

Mr. Rakesh Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 15-02-2017

This revision application under Section 397 read with Section 401 of the Code of Criminal Procedure has been filed against the order dated 26.08.2014 passed by the Court of Authorized Officer-cum-Special Court (Vigilance) No. 1, Muzaffarpur in Confiscation Case No. 01 of 2012 arising out of Vigilance P.S. Case No. 086 of 2009 dated 19.08.2009, whereby he has rejected an application filed by the petitioner under Rule 11(g) of the Bihar Special Courts Rules, 2010.

Learned Senior Counsel appearing on behalf of the Vigilance, at the very outset, has raised a preliminary objection over maintainability of this application, referring to Section 9 of the Bihar Special Courts Act, 2009. Section 9 of Bihar Special



Courts Act reads thus:-

“9. Appeal against orders of Special Courts.-(1) Notwithstanding anything in the Code, an appeal shall lie from any judgment and sentence of a Special Court to the High Court of Patna both on facts and law.

(2) Except as aforesaid, no appeal or revision shall lie in any court from any judgment, sentence or order of a Special Court.

Every appeal under this Section shall be preferred within a period of thirty days from the date of judgment and sentence of a Special Court:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied for reasons to be recorded in writing that the appellant had sufficient cause for not preferring the appeal within the period. ”

It is clear from Sub section (2) of Section 9 that an appeal is only maintainable from any judgment and sentence of any Special Court to the High Court of Patna and no appeal or



revision can lie in any Court from any judgment, sentence or order of the Special Court. The Bihar Special Courts Act, 2009 is special provision and provides remedy of appeal only under Sections 9 and 17 of the Act. The Act does not provide for remedy of revision against any order passed by the Authorized Officer.

This application is dismissed as not maintainable.

The interim order passed by this Court on 05.12.2014 stands vacated.

The dismissal of the present application on the ground of maintainability will not preclude the petitioner from preferring appeal in accordance with law.

It is, however, indicated that the learned Authorized Officer shall proceed with the case, unless there is any interim order of stay passed by a competent court.

(Chakradhari Sharan Singh, J)

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