

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.290 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 19905 of 2011**

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Shambhu Prasad @ Shambhu Lal son of late Gaya Lal, village Laund, P.S. Sirdalla,
District Nawala

.... Appellant/s

Versus

1. The State of Bihar
2. The D.G.P., Bihar, Patna
3. The I.G.(Police Headquarters), Bihar, Patna
4. The D.I.G., Magadh Range, Gaya
5. The Superintendent of Police, Nawada, Shri Binod Kumar
6. The Deputy Superintendent of Police, Rajauli, Shri Ajay Kumar
7. Officer Incharge Sirdalla, S.K. Manjhi
8. Assistant Sub Inspector of Police Rajauli, Sumeshwar Lakra
9. Inspector of Police, Rajauli, Sachidanand Pandey
10. A.S.I., Rajauli Police Station, Gajadhar Yadav

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shambu Prasad, (in Person)

For the Respondent/s : .

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 17-02-2017

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 26th of November, 2015 in C.W.J.C. No. 19905 of 2011 whereby, the writ application filed by the appellant claiming compensation on account of his alleged malicious prosecution for an offence under Section 376 of the I.P.C. and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 remained unsuccessful.

2. The learned Single Bench has observed that the



appellant can always seek remedy in law before the Court and the extraordinary and discretionary writ jurisdiction cannot be invoked by the appellant.

3. The claim of compensation on account of alleged malicious prosecution or of defamation is a disputed question of fact, which is required to be established on the basis of evidence to be led before the Civil Court.

4. Consequently, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is dismissed.

5. Needless to say that the appellant will be at liberty to invoke the jurisdiction of the Civil Court for the relief claimed in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
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