

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.325 of 2016

Arising Out of PS.Case No. -77 Year- 2009 Thana -C.B.I CASE District- PATNA

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1. Ashok Kumar Srivastava S/o Late Ganga Prasad R/o Vill + P.O. -
Mahisari, P.S. - Ujiarpur, Distt. - Samastipur. Appellant/s

Versus

1. The State of Bihar through Vigilance, Patna. Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Ramakant Sharma(L.O.,I/C VIG.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

14 17-04-2017 Heard learned counsel for the appellant as well as
learned senior counsel for the Vigilance.

2. Learned senior counsel for the Vigilance concedes to
the principle laid down by this Court at an earlier occasion relating
to ***Kapil Muni Rai v. State of Bihar*** as reported in ***2012 (1) PLJR***
194 that in terms of Section 14(2) of the Special Court Act, other
persons, apart from delinquent is to be noticed, in case, they are
able to, prima facie, suggest their interest in the property under the
lis. Furthermore, it has been submitted that so far this particular
appeal is concerned, that has purposely been filed by the appellant
in order to frustrate the purpose of the Special Court Act in order
to cause delay in disposal of confiscation proceeding and to justify
the same, it has been submitted that though it has been pleaded at
the end of the appellant that a trust is there, particularly, appellant
is one of the trustees and further identifying the wife and daughter-
in-law of delinquent in similar status, the other trustees, namely,
Rajesh Kumar, Rajiv Ranjan, Indrachandra Prasad and Raju
Kumar have not turned up waiting for their preparation by way of



initiating second, third, fourth and fifth round of litigation to defeat the aim of the Act.

3. Learned counsel for the appellant, though, has submitted that by a resolution, he has been authorized to contest on behalf of trust but fairly concedes that in case, an opportunity is given, all the trustees will be before the Court over which the learned senior counsel for the Vigilance submits that for that, let the learned lower court be directed simultaneously all the trustees to be co-operative in getting the confiscation proceeding disposed of within six months by way of their appearance and further to facilitate the same, notices be accepted on behalf of all the trustees including the appellant by the learned counsel representing Sanmati Devi Devi as well as Susma Devi (since dead) (substituted) whereupon learned counsel for the appellant concedes to.

4. Giving such liberty acknowledging on undertaking given by the learned counsel for the appellant, the order impugned is modified in terms thereof.

5. The learned lower court will dispose of the confiscation proceeding within six months from the date of receipt/production of a copy of this order, without granting any undue adjournment to either of the parties.

(Aditya Kumar Trivedi, J)

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