

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41310 of 2013

Arising Out of PS.Case No. -350 Year- 2012 Thana -BARACHATTI District- GAYA

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Sanjay Kumar, S/O Harideo Prasad, resident of village Chandwari Road, P.S-
Kankarbagh, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Department through Its Secretary, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-04-2017

1. This application has been filed for quashing the order dated 6.9.2012 passed by the learned Sub Divisional Judicial Magistrate, Gaya, by which Section 7 of the Prevention of Corruption Act was substituted in the First Information Report in place of Section 161 of the Indian Penal Code on the basis of petition filed by I.O.

2. Heard learned counsel for the petitioner and the State.

3. From the impugned order it appears that Section 7 of the Prevention of Corruption Act has been added by the court below, on the basis of petition filed by I.O. in the impugned order dated 1.9.2012 on the ground that Section 161 Indian Penal Code has already been repealed. The learned Sub Divisional Judicial



Magistrate, Gaya, has added Section 7 of Prevention of Corruption Act and sent back the record to the court of Special Judge, Vigilance, Patna.

4. Therefore, this court does not find any illegality in the impugned order.
5. Accordingly, the application stands dismissed.
6. The court below is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
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