

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 893 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Pramod Kumar Rai, Son of Late Sital Rai, Resident of Village + P.O. - Jitwaria,
Police Station - Kalyanpur Chowk, District - Samastipur.

.... Petitioner

Versus

Vigilance Department, Bihar through I. G. Vigilance

.... Respondents

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Appearance :

For the Petitioner : Mr. Amit Anand & Mr. S.R.C. Pandey, Advocates

For the Respondents : Mr. Ramakant Sharma, Sr. Advocate

Mr. Amresh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-11-2017

Heard learned counsel for the parties.

The petitioner has invoked the writ jurisdiction of this Court for quashing the Vigilance P.S. Case No. 95 of 2015 registered against the petitioner for offences under Sections 13(2) and 13(1)(e) of the Prevention of Corruption Act.

According to FIR, the petitioner was Mukhiya of Jitwaria Panchayat in the district of Samastipur for the period 2006 to 2011. The FIR further discloses that the petitioner had disclosed his property at the time of filing of nomination paper on 07.03.2006 wherein the petitioner disclosed his total property of Rs.1,83,000/-. At the time of next election, the petitioner disclosed his property on 29.03.2011 disclosing his assets of Rs.29,60,750/-, fully detailed in the FIR. Though the petitioner had total income of Rs.5,52,249/- and



total expenditure of Rs.23,38,021/- between the aforesaid period, detailed in the FIR.

After hearing the parties and considering the fact that the FIR, prima facie, discloses cognizable offence against the petitioner, this Court is not inclined to quash the FIR only on the ground that the petitioner in his show cause has detailed the source of his income which was not properly considered by the authorities.

However, the authorities are directed to investigate the defence of the petitioner regarding disclosure of the source of income also as the matter is still under investigation and shall submit appropriate investigation report.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	03.11.2017
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