

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36296 of 2014

Arising Out of PS.Case No. -16 Year- 2014 Thana -DUMRA District- SITAMARHI

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Sujeet Kumar, Son of Ram Pratap Singh , Resident of Village -
Mohanpur , P.S& District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.

2. The Department of Vigilance Government of Bihar, Patna.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kr.Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 04-10-2017

Heard learned counsel for the petitioner as well

as learned Assistant counsel for the Vigilance.

The petitioner, in the present case is seeking quashing of the order dated 12.06.2014, passed by learned Special Judge, Vigilance, North Bihar at Muzaffarpur, in Dumra P.S. Case No. 16/2014 corresponding to Special Case No. 4/2014, in which cognizance under Sections 420, 467, 468, 471 of the Indian Penal Code and Section 65 of the I.T. Act and Section 7, 8, 9 and 13(A) of the Prevention of Corruption Act, has been taken.

Learned counsel for the petitioner submits that the petitioner is said to be the owner of a shop namely, Ravi Digital Shop. Allegation is that certain documents were loaded on the computer kept in the shop of this petitioner, submission is that there is in fact no material even to



connect *prima facie* involvement of this petitioner in the present case, and, therefore, the order taking cognizance is fit to be quashed.

On the other hand, learned Assistant counsel for the vigilance referring to the counter affidavit brought on the record today submits that this petitioner was apprehended while he was working and disposing of the work on the basis of the materials loaded in the computer which were some important registers and documents of the DTO office, he should not have been loaded in that computer.

It is further submitted that in fact the recovery of certain documents from the possession of this petitioner is a kind of link establishing the commission of offence in the present case, therefore, it would not be just and proper to set at knot the criminal proceeding at this stage. A charge-sheet is said to have been submitted long back in the year 2014. Learned counsel however unable to inform the latest position of the case before the trial court.

Learned counsel for the petitioner at this stage submits that according to him charges are yet to be framed.

Considering the rival submission at the bar, this Court is of the opinion that there is no illegality or infirmity



in the order taking cognizance, there are certain materials which have been collected in course of investigation and on that basis a charge-sheet has already been submitted based on which cognizance has been taken by the learned Special Judge. It would not be just and proper for this Court to exercise its inherent power under Section 482 of the Cr.P.C. for quashing of the criminal proceeding.

Since, a charge-sheet has already been filed in this case more than three years back, it is desirable that the trial court must proceed with passing of necessary order starting the trial and concluding the same within a period of one year from the date of receipt of the order.

The petitioner, if so advised, may raise all such plea which is available to him at the time of framing of charge, which will be considered by the court below independently on the basis of the materials available on the record.

This application is disposed of with the aforesaid observation.

(Rajeev Ranjan Prasad, J.)

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