

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24878 of 2014

Arising Out of PS.Case No. -6 Year- 1997 Thana -C.B.I CASE District- PATNA

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1. Shaheb Zaffar son of Late Abdul Rahman, the then Junior Engineer, Rural Electrification Sub-Division, Bhabua, Bihar Electricity Board. Presently residing at Kathauter Talab, Purani Godown, P.O.- Gaya, P.S.- Kotwali, District- Gaya
 2. Abdul Razaque Ansari son of Late Dargahi Ansari, Resident of Munshi Mohalla, Dafali Tola, P.S. Daudnagar, District- Aurangabad, the then Assistant Electrical Engineer, Bhabua, Bihar Electricity Board.

.... Petitioner/s

Versus

1. The State of Bihar through Department of Vigilance, Govt. of Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh
For the Vigilance	:	Mr. Ramakant Sharma
		Mr. Kedar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 08-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 25.03.2003 passed by the learned Additional Sessions Judge, XIV-cum-Special Judge, Vigilance, I, Patna in Special Case No. 09 of 1997 whereunder the learned Special Judge impleaded these petitioners as accused in this case and ordered for issuance of warrant of arrest.

2. Heard both sides and perused the record.

3. It appears that a Vigilance Case No. 06 of 1997 dated 11.03.1997 was registered under Sections 467, 468, 471, 420, 409,



120-B of the Indian Penal Code and Section 5 (2) read with 5 (1) (e), 13 (2) read with Section 13(1) (e) of the Prevention of Corruption Act against three F.I.R. named and six unknown persons. These petitioners were Assistant Engineer and Junior Engineer at the relevant time and allegation is that they illegally certified the bill as regards transportation cost in excess of actual distance covered by the transporters.

4. It has been submitted that these petitioners had no role in the certification of transportation cost and making payment to the transporters. The rate was revised by higher authority and these petitioners had acted and certified the work done by the transporters as per decision and higher authority. The learned court below has legally impleaded them in the category of accused persons. The matter is under investigation since last 20 years. There is absolutely no material against the petitioners and the petitioners have been summoned without any basis and so, the order is fit to be quashed.

5. The learned counsel for the Vigilance has opposed the submissions. It has been submitted that after investigation, Vigilance has found sufficient material against the petitioners and has submitted charge-sheet against both the petitioners on 20.01.2011 vide Charge-sheet No. 3 of 2011. The petitioners left taking Pairvi before the court below in consequence of which their bail bonds



have been cancelled and the case is pending for their appearance.

6. On perusal of impugned order and the pleadings of both the parties, I find that these petitioners were impleaded in the category of accused on the application of Vigilance Department. The matter was investigated and Vigilance found complicity of the petitioners in causing loss to the Bihar State Electricity Board. The petitioners in conspiracy with other officers and contractors recommended for payment to the contractors for a distance of 35 to 40 kilometers at enhanced rate. The Vigilance Department has submitted charge-sheet against the petitioners and the case is pending for appearance of the petitioners as it appears from the report of court below, which was called for as per order dated 31.07.2017.

7. In the facts and circumstances, I do not find any merit in the application. This application is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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