

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.757 of 2017

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Sushil Kumar S/o Late Chandra Bhushan Prasad Sinha, R/o Adarsh Colony,
Road No. 3, Khemni Chak, PS- Ram- Krishna Nagar, District- Patna-
800027.

.... Petitioner

Versus

1. The State of Bihar
2. The State of Bihar through Department of Vigilance, Bihar, Patna.
3. Officer In-charge-cum- Station House Officer, Department of Vigilance,
Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mrs. Nirmala Kumari, Advocate
For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate
For the State : Mr. Ajay Kumar Sharma, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 19-01-2018

In the present case, the grievance of the petitioner is that, as back as on 18.07.2017, he had filed an application in the court of learned Special Judge, Vigilance Court, Patna to release his bank locker key but no order was passed on the said petition till February, 2010. He filed another petition on 16.03.2010. Learned Special Judge, Vigilance vide his order dated 17.03.2010 ordered the concerned Police Station Incharge (respondent no. 3) to file a rejoinder in the matter, copy of the order was forwarded to the concerned Police Officer by the office of Special Judge, Vigilance Court, Patna. The petitioner urged several times before the court below to dispose of his petitions but no speaking order has been passed till date.

It is further stated that on 15.05.2015, the



learned Special Judge, Vigilance again called for a report from the Vigilance Department and also stated that if no report would come then the court would presume that respondents have nothing to say.

Learned counsel submits that till date no report or rejoinder has been received in the court below, he has urged several times to the learned court on behalf of the petitioner to either take stern action against the negligent Police Officers who have caused inordinate delay in disposal of the aforesaid petition filed on behalf of the petitioner or order for release of the Bank locker key, but learned court below did not pass any speaking order.

Learned counsel for the Vigilance Investigation Bureau is present but he has no instruction in the matter, even though copy of the writ application was received on 09.05.2017. This does not speak well about all in the office of the Vigilance Investigation Bureau as well as the manner in which the applications have remained pending in the court below.

On many occasions emphasis have been given by the court that the huge delay in disposal of the applications are opposed to the concept of speedy justice as well as fair play in action. It is well said “justice delayed is



justice denied”. The Vigilance Investigation Bureau seems to be totally irresponsible in not answering the petitions filed by the petitioner in the court below and in not submitting the report called for on the petition filed by the petitioner for such a long time.

It is a case of inordinate delay. It would be expected that the persons responsible for filing such applications should be reminded of their duties. For the present, court is restraining itself from passing any other direction which could have been passed.

The Vigilance Investigation Bureau shall submit its report within a period of fifteen days from today in the court below and thereupon the court below shall pass a well considered and reasoned order within next fifteen days.

Before I would part with the order, learned Special Judge, Vigilance Court, Patna is also reminded of the duties cast upon the Court. The petitions like the present cannot be allowed to be kept pending for such a long time.

This application stands disposed of with the directions and observations hereinabove.

(Rajeev Ranjan Prasad, J.)

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