

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38621 of 2016

Arising Out of PS.Case No. -39 Year- 2013 Thana -C.B.I CASE District- MUZAFFARPUR

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Manoj Razak @ Manoj Kumar Razak, Son of Late Hiralal Razak, resident of Village- Raghunathpur, P.S.- Raghunathpur, District- Siwan.

.... Petitioner/s

Versus

1. The Inspector General of Police, Vigilance Investigation of Bureau, Department, Government of Bihar.
2. Sri Kailash Yadav, Son of late Kumar Yadav, resident of Village- Biryana P.S.- Shikarpur, Block- Narkatiaganj- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bamdeo Pandey, Advocate.
For the Vigilance	:	Mr. Ramakant Sharma, Sr. Adv. Vigilance Law Officer
For the Opposite Party No.3	:	Mr. Ram Kishun Prasad, Advocate Mr. Sanjay Kumar, Advocate. Mr. Nishant Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-02-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the First Information Report of Vigilance Case No. 39 of 2013, Special Case No. 27 of 2013 arising out of Complaint Case No. 216 of 2008 so far petitioner is concerned on the ground that complaint case has been filed in the court of learned Special Judge Vigilance, North Bihar, Muzaffarpur, by opposite party No. 3 (private person), for the offence under Sections 409, 420, 467, 468, 471 and 120B of the Indian Penal Code.

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



3. Learned counsel for the petitioner has ***relied upon a decision*** reported in ***2017(2) PLJR page 485 (Manoj Kumar Razak @ Manoj Razak Vrs. The State of Bihar & Anr.)*** wherein this Court has held that in absence of mandatory requirement of Sanction, the court cannot proceed under Section 202 Cr. P.C. against a public servant.

4. Learned counsel for the Vigilance has appeared and submitted that in the instant case, after First Information Report, the police completed investigation and has submitted charge sheet. The cognizance has also been taken against the petitioner by the learned Special Judge, Vigilance.

5. Therefore, this Court does not want to interfere at this stage to quash the First Information Report.

6. This Cr. Miscellaneous application is accordingly dismissed.

7. The petitioner, if so advised, may challenge the cognizance order or he may file appropriate petition at the time of framing of charge which will be considered by the court below in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28/02/2018
Transmission Date	28/02/2018

