

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1878 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Lalbabu Jha, S/o Late Ganesh Jha, resident of Village- Mamrejpur, P.S.-
Desri, Dist.- Vaishali at present Working as a Chaukidar, Bit No. 01, P.S.-
Desri, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Vaishali.
2. The District Magistrate, Vaishali at Hajipur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Department of Vigilance, through its Director, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur
For the Respondent/s	:	Mr. Partha Sarthi (Ga 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-09-2018 This writ application has been preferred seeking a direction to the Incharge Court of Special Judge, Vigilance, Muzaffarpur to refer the Complaint Case No. 17 of 2018 to the concerned Police Station by exercising his power under Section 156 (3) Cr.P.C. for institution of the F.I.R. and its investigation.

Learned counsel for the Vigilance Investigation Bureau and learned counsel representing the State are present.

This Court is of the considered opinion that the prayer made in the writ application as it is cannot be granted by this Court as it would amount to usurping the power of the regular court which is vested with jurisdiction to consider an application if so brought before the court competent for that purpose in



terms of Section 156 (3) Cr.P.C. The prayer to refer the complaint is, therefore, not entertained by this Court.

At this stage, learned counsel for the petitioner submits that, in fact, he is looking for consideration of an application filed in the court below as according to him, the learned Incharge Special Judge, Vigilance, Muzaffarpur is not considering the application filed by him.

Limited to the aforesaid aspect, this Court would direct the learned Incharge Special Judge, Vigilance, Muzaffarpur that in case any appropriate application has been brought by the petitioner before the court and the same is required to be considered by the court, the court would give that consideration within a period of 30 days from the date of receipt of that application.

The aforesaid direction shall, however, not be considered as an opinion expressed by this Court on the merit of the allegations.

This application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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