

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.75 of 2018

IN

Civil Writ Jurisdiction Case No. 7169 of 2014

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Director, Central Bureau Of Investigation, New Delhi through H.O.B., S.C.B.,
C.B.I., Patna.

.... Appellant/s

Versus

1. Umesh Chand, Son of Shri Ram Lakhan, Resident of House No. 344, Sanjay Colony, Near Sector-22, Street No. 65, New Industrial Town, P.S. Mujeshar, District-Faridabad-121005 (Haryana).
2. Arun Kumar, Son of Shri Ramchandra Bhakta, Resident of Village & P.O. Chadhua, P.S. Kudhani, District-Muzaffarpur, At Present, Resident of House No. 83, Sharmik Vihar, Sector-30, Sector-31, District Faridabad-121003 (Haryana).
3. The Union of India through its Chief Secretary, New Delhi.
4. The Secretary, Department of Home, Govt. of India, New Delhi.
5. The State of Bihar through Chief Secretary.
6. The Director General of Police, Govt. of Bihar, Patna.
7. The Chairman, Council of Patent Medicine, Registered office Jagdeo Nagar, Near Bazar Samiti, Ara-802301.
8. The Secretary, Council of Patent Medicine, Registered Office Jagdeo Nagar, Near Bazar Samiti, Ara-802301.
9. The Director, J.P. Institute Of Patent Medical Science and Hospital, Road No. 5, Juran Chapra, Mahesh Babu Chowk, Muzaffarpur-842003, Presently Situated at Mohalla-Subhankar Nagar, Old Motihari Road, Bairiya, P.S. Bairiya, District-Muzaffarpur.
10. The Principal Medical College of Patent Medicine, Registered Office Jagdeo Nagar, Near Bazar Samiti, Ara-802301.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. S D Sanjay, Addl. S.g
Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE



and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 16-01-2018

This appeal under Clause 10 of the Letters Patent has been filed by the Central Bureau of Investigation and exception is sought to an interlocutory order passed by the learned Writ Court in a pending writ petition, i.e. CWJC No. 7169 of 2014, on 13.12.2017, wherein the Central Bureau of Investigation has been directed to cause investigation into the matter and that the learned Writ Court is seized of the matter and the writ petition is pending consideration before the Writ Court.

Now before us, various difficulties are pointed out to say that due to those reasons investigation and proceeding in the matter by the CBI is not possible. If that be so, it would be for the investigating agency to bring all these facts to the notice of the learned Writ Court and it would be for the Writ Court to reconsider the issues. At this stage when the matter is pending before the learned Writ Court, we see no reason to make any indulgence into the matter. The appellant is at liberty to bring before the Writ Court all the difficulties and impediments which may come in its way and seek reconsideration of the matter.

Accordingly, finding no reason to make any indulgence



into the matter the appeal is disposed of with the aforesaid liberty to the appellant.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr1/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.01.2018
Transmission Date	

