IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.920 of 2016

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Uttam Kumar, son of Late Sahdeo Das, resident of Mohalla – Mandroza, P.S. – Kotwali, District – Bhagalpur, at present residing at Qr. No. 114/3, Central Revenue Colony, Ashiyana Road, Patna – 25, and at present posted on the post of Income Tax Officer, IAP Unit-1, Patna.

.... Petitioner

Versus

1. The State of Bihar through the Central Bureau of Investigation , Special Crime Branch, Patna Dr.S. K. Singh Path , Bailey Road , Patna
2. The Senior Superintendent, the Central Bureau of Investigation, Special Crime Branch, Patna, Dr. S.K. Singh Path, Bailey Road, Patna.
3. The Inspector, the Central Bureau of Investigation, Special Crime Branch, Patna Dr. S.K. Singh Path, Bailey Road, Patna.
4. The Pr. Chief Commissioner of Income Tax (CCA) Patna, (Bihar & Jharkhand Region), Central Revenue Building, Bir Chand Patel Path, Patna – 800001.
5. Maulesh Paswan, son of Sh. Jagdish Paswan, the General Secretary, All India Income Tax SC/ST Eemployees Welfare Federation, Unit Patna, (Bihar & Jharkhand) at present residing at Qr. No. 179, New Type-III, Central Revenue Colony, Ashiyana Road, Patna – 800025, at present posted on post of Office Superintendent, O/o the Joint/Additional Commissioner of Income Tax, Range- 1, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chawraha, Patna – 800001.
6. Mr. Gopal Jee Ram [Income Tax Officer (Retired)], son of Cheddi Ram, president of All India Income Tax SC/ST Employees Welfare Federation, Unit Patna, (Bihar & Jharkhand) through Mr. Moulesh Paswan, Qt. No. 179, New Type – III, Central Revenue Colony, Ashiyana Road, Patna – 800025.

... . Respondents

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Appearance :
For the Petitioner/s : Mr. Pradip Kumar, Advocate
For the Respondent/s : Ms. Archana Sinha(Sr.SC)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 14-08-2018 This court sitting in its constitutional jurisdiction under Article 226 would not go into the materials collected by the Central Bureau of Investigation in course of investigation of the case and shall not dwell upon the correctness of the order taking cognizance. It appears from the Interlocutory Application itself that in this case the order taking cognizance has been passed on 19.05.2016 itself. It means that even before filing of the writ application, the learned Special Judge had proceeded with the matter after taking cognizance. The said order is now sought to be challenged in the present writ application.

In the opinion of this court the relief prayed for in the writ application as well as Interlocutory Application cannot be granted in the writ jurisdiction. The petitioner may pursue his remedy in accordance with law under the Code of Criminal Procedure.

The writ application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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