

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19190 of 2016

Baban Prasad

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Prabhat Kumar Verma-AAG-3
Mr. S.K.Sharma, AC to AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 21-06-2018 None appears for the petitioner. Sri Prabhat Kumar Verma, learned AAG-3 for the respondents is present.

This public interest writ petition is pending since 2016. When it was taken up on 28.06.2017 none appeared and, therefore, the petition was dismissed for want of prosecution. Thereafter in MJC No.1826 of 2017, restoration was sought for and on 02.05.2018, the writ petition was restored. It is listed today and none is appearing for the petitioner.

The grievance of the petitioner is that in spite of registration of a complaint bearing Nawada Muffasil P.S. Case No.119 of 2015 for various offences under Sections 409 read with Section 120B of the Indian Penal Code against the contractor Sri Gopal Prasad as nothing is being done, this public



interest litigation was filed for initiating prosecution against the accused persons.

Merely because the prosecution has not been initiated on a complaint filed, we are not inclined to exercise our extraordinary jurisdiction in a petition under Article 226 of the Constitution and interfere in the matter that also in a public interest litigation at the instance of the petitioner whose locus standi for filing the petition is doubtful. That apart, Code of Criminal Procedure contemplates various alternate procedures which can be invoked by the petitioner in case complaint is not being properly investigated on the prosecution lodged.

Taking note of all these circumstances, we are not inclined to interfere in the matter. We dismiss the petition with liberty to the petitioner to take recourse to the remedy as available in law.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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