

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1559 of 2018

Arising Out of PS. Case No.-360 Year-1983 Thana- SASARAM MUFFSIL District- Rohtas

Deenanath Goswami, S/o Gupteshwar Goswami, R/o Surajpura, P.S.-
Surajpura, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the DGP, Patna
2. The Superintendent of Police, Rohtas
3. The S.H.O., Surajpura P.S., District- Rohtas
4. The S.P. Vigilance, Patna
5. Shri Gosunder Singh, Special Inspector, Vigilance, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dineshwar Mishra
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3
For Vigilance	:	Mr. Anjani Kumar, Sr. Advocate
		Mr. Ajay Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-10-2018 The petitioner in the present case is seeking quashing of the order dated 10.10.2017 passed in Special Case No. 82 of 1991 by learned Ist Court of Special Judge, Vigilance at Patna.

By the impugned order, the petitioner has been declared absconder and subsequently the case of the prosecution has been closed in terms of Section 299 of the Code of Criminal Procedure. A permanent warrant of arrest has already been issued against the petitioner.

Learned counsel representing the petitioner submits that the records of this case case was transferred from Sasaram to the court of learned Special Judge, Vigilance at Patna which



was received here on 03.11.1999, thereafter, the petitioner was informed by his counsel that he will be informed as and when required to put his appearance before the Vigilance Court at Patna.

The submission is that after transfer of the records, no summon was sent by the court and the petitioner had no knowledge about the proceeding which was going on in the Vigilance Court at Patna, it is because of this reason the petitioner could not appear in the court below.

On the other hand learned counsel representing the State submits that the petitioner was well aware of the on going proceeding at Vigilance Court at Patna but despite knowledge on his part he did not put his appearance. It is further submitted that even warrant of arrest and the order of attachment and proclamation issued under Sections 82 and 83 Cr.P.C. respectively could not procure the attendance of the petitioner. In these circumstances, it is submitted that if the petitioner has been declared absconder and permanent warrant of arrest has been issued against him, no fault may be found on the part of the trial court.

Having heard learned counsel for the petitioner and learned counsel representing the State, this Court is of the



considered opinion that if the petitioner claims himself a law abiding citizen, he should appear in the court of the Vigilance at Patna latest by 29th of October, 2018 with an appropriate application showing his bonafides, if such a petition is filed by the petitioner along with his appearance in the court, the same may be considered by the court below after verifying the records of the case.

Let it be recorded that this Court is not going into the merit of the contentions and the observations given hereinabove to the petitioner to surrender and file an application shall not be taken as an interim relief to the petitioner.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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