

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1620 of 2018

Arising Out of PS. Case No.-19 Year-1996 Thana- VIGILANCE District- Patna

Urmila Devi wife of Late Suchit Prasad Singh resident of Professor Colony,
Power House Colony Road, Begusarai, Deep Shikha Road, P.S. Begusarai,
District - Begusarai Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Home Deptt. Govt. Of Bihar, Patna
2. The Superintendent of Police, Vigilance Investigation Bureau, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rakesh Kumar, Advocate Mr. Rajni Kant Singh, Advocate
For the vigilance	:	Mr. Anjani Kumar, Sr. Advocate Mr. Sanjay Prasad, Advocate
For the State	:	Mr. Ruchikar Jha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 14-05-2019

Heard learned counsel for the petitioner and learned counsel for the Vigilance.

2. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner praying therein that the Special Judge, Vigilance-II, Patna be directed to dispose of the petition filed by the petitioner on 22.11.2014 without any unnecessary delay.

3. Learned counsel appearing for the petitioner submitted that the husband of the petitioner was made the sole accused in Vigilance P. S. Case No. 19 of 1996 registered under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act,



1988 corresponding to Special Vigilance Case No. 16 of 1996. During the course of investigation, certain properties (movable and immovable) of the petitioner were attached/seized by the investigating agency. During pendency of the case, the sole accused died on 31.05.2013. Thereafter, the court below dropped the proceeding as the case got abated. Subsequently, the petitioner filed an affidavit on 22.11.2014 praying therein that the properties seized in connection with the case be released in her favour. On the said application, the learned Special Judge, vide order dated 18.10.2016, called for a report from the vigilance police station. Since then, neither the report has reached in the court nor the court has disposed of the application of the petitioner.

4. Though a counter-affidavit has been filed by the Vigilance, nothing has been stated as to why the report called for by the court below has not been sent to the court till date.

5. Referring to the counter-affidavit filed on behalf of the Vigilance, learned counsel for the Vigilance submitted that the case has not been disposed of on merit. Merely on technical ground, since the accused died, the proceedings in the court below was dropped but that would not mean automatic release of the property so seized.

6. Be that as it may, since this Court is not examining the matter on merit, I would refrain from making any



comment on the submission of learned counsel for the Vigilance. The petitioner has approached this Court only with a view to ensure timely disposal of her application pending in the court below.

7. It is unfortunate that an application, which was filed long back in the year 2014 has been kept pending by the court for more than 4 years. Even if, the report of the Vigilance has not reached, the same could not have been made an excuse for keeping the application pending. If no response is filed by the Vigilance, the court would presume that they have not to say anything in the matter. Under such circumstance, the court would have proceeded further and disposed of the application on merit in accordance with law.

8. In that view of the matter, I direct learned Special Judge, Vigilance-II, Patna to consider the application filed by the petitioner on 22.11.2014 on merit and dispose of the same within two weeks from the date of receipt/production of a copy of the order by a reasoned order.

9. With the aforesaid observation and direction, the application is disposed of.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2019
Transmission Date	16.05.2019

