

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5099 of 2015

Arising Out of No.-28 Year-2014 Thana- Vigilance P.S. Case District- Patna

Vikash Kumar Singh @ Munna, son of Late Suresh Prasad Singh, Resident of village - Sirsa Ram Rai, P.O. Sirsa Viran, P.S. Lalganj, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar Through the Vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate with
Mr. Pankaj Kr. Singh, Advocate

For the Vigilance : None

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-03-2019

Heard learned counsel for the petitioner.

2. The petitioner has moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That, this application on behalf of the petitioner above named is for quashing the order dated 04.06.2014 passed by the learned Special Judge, Vigilance 1st, Patna in Special Case No. 39 of 2014 arising out of Vigilance P.S. Case No.28 of 2014 whereby and where under the learned Special Judge has been pleased to take cognizance against the petitioner under Section 419, 420 of the Indian Penal Code and Section 8/9 of the Prevention of Corruption Act 1988.”



3. The allegation against the petitioner is that he was acting as an intermediary for the Motor Vehicle Inspector who had demanded illegal gratification for sending a report to the Court and while accepting the money on behalf of the Motor Vehicle Inspector, he has been caught red handed.

4. Learned counsel for the petitioner submitted that he is not a government servant and is a private driver. It was further submitted that even with regard to the report which is alleged to have been withheld and for which money was demanded, had already been sent to the Court prior to filing of the complaint. Learned counsel submitted that the police had not chargesheeted the Motor Vehicle Inspector and, thus, filing chargesheet against the petitioner and subsequent taking of cognizance is bad.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the petitioner, the Court does not find any merit in the present application. When the petitioner has been caught red handed accepting illegal gratification, it cannot be said that the present prosecution is an abuse of the process of the Court. Mere technicality that the complaint was filed after sending of the report to the Court is also of not much value for the reason that the complainant cannot be expected to be aware when actually a report was sent, and thus,



even if sent a few days prior to the formal complaint, cannot render the allegation false, for the reason, that the payments could have been made later on also as per the agreement and the most relevant factor in the present case is that the petitioner has been caught red handed with the marked money for which there is no explanation. Further, there is also no explanation with regard to any false implication.

6. For reasons aforesaid, the application stands dismissed.

7. It shall be open to the petitioner to raise all the points available to him at the appropriate stage before the Court below itself.

8. The Court would only observe that the observations made in this order is only for the purpose of considering the present application and shall not prejudice the petitioner with regard to consideration of the prayer made on his behalf before the Court below at the appropriate stage.

(Ahsanuddin Amanullah, J)

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