

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15239 of 2015

Arising Out of Vigilance P.S. Case No.-3 Year-2010 Thana- C.B.I CASE District- Patna

Amresh Jha Amar, Son of Late Krishna Kant Jha, Resident of Village + Post-
Krishnapura, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar through the Department of Cabinet (Vigilance), Bihar,
Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani and Mr. Maruth Nath Roy, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-05-2019

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

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 (hereinafter referred
to as the 'Code') for the following relief:

*“That this is an application to quash the
order dated 28.04.2014 passed by Special Judge,
Vigilance First, Patna in Special Case No. 2/2010,
(arising out of Vigilance P.S. Case No. 003/2010
dated 18.01.2010) by which he has been pleased to
take cognizance against the petitioner under
sections 109, 167, 406, 420, 120 B of I.P.C. and
under sections 13(1) (b) (c) (d) (i) (ii) of P.C. Act,
1988.”*

3. The allegation against the petitioner and others is that
by running an NGO, they had promised to give jobs to the trainees
by taking money fraudulently.



4. Learned counsel for the petitioner submitted that prior to filing of the present case on 18.01.2010, he had already made a complaint to the Executive Director, Women Rights Council about the working of the NGO in question, where even prior to interview, appointment letters were being issued after taking money in cash. Learned counsel submitted that the petitioner has also filed Complaint Case No. 1735 of 2009 on 01.07.2009, against the Executive Engineer of Women Rights Council.

5. Learned counsel for the Vigilance submitted that the petitioner was part of the NGO which committed such crime. It was further submitted that the advertisement was made one month prior to even registration of the NGO and further that the complaint made by the petitioner to the Executive Engineer is meaningless since the petitioner himself had filed the complaint against the said Executive Director later on. Learned counsel submitted that the dispute appears to be between the office bearers of the NGO due to some differences between them but collectively and as a whole, all the office bearers of the NGO are liable for their conduct and even if the petitioner is innocent, such fact can only be thrashed out during a full fledged trial where it shall be open to him to produce material and evidence before the



Court as well as the witnesses in support of his innocence in his defence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application.

7. The challenge being to the order of cognizance, which is based on the role of various parties in the transaction of having advertised for training leading to jobs by taking money, the same being an illegal act, the specific role of individuals/office bearers of the NGO in question, as has rightly been submitted by learned counsel for the Vigilance can only be looked into and appreciated during trial when all concerned would have liberty to produce materials in support of their case and adduce evidence. Thus, the present order by which cognizance has been taken cannot be held to be factually or legally infirm so as to warrant interference by the Court under its inherent power under Section 482 of the Code.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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