

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14656 of 2014

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Chandan Kumar son of Jawahar Prasad Resident of village - Raghopur, P.S. -
Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Government of Bihar, Patna.
3. The Superintendent of Police, Nawada.
4. The Superintendent of Police, Vigilance Bureau, Patna.
5. The Additional Superintendent of Police, Nawadah-cum-Enquiry Officer of
Departmental Proceeding.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary Mr. Bholu Kumar
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP 13 Mr. Amresh, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-09-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Writ petition has been filed for setting aside the order
dated 12.06.2014 bearing Memo no.1432 issued by respondent
no.3 (Disciplinary authority) initiating proceedings against the
petitioner by serving charge memo.

Petitioner being Sub Inspector of Police was arrested
on the allegation of accepting bribe of Rs 90,000/- from a flour
mill owner. The same led to lodging of FIR bearing Vigilance
P.S. case no. 41/2014.

It is submitted by counsel for the petitioner that on



same set of charge and relying upon same evidence petitioner is sought to be proceeded against departmentally on the basis of impugned charge memo.

Writ petition was filed praying that charge memo may be quashed.

Respondents have filed counter affidavit. Their stand is that since Vigilance case has been lodged against the petitioner, he would be proceeded against departmentally on the basis of the same charge.

Submissions advanced by the parties, in light of development subsequent to filing of the writ petition, are not of much significance today.

Counsel for the petitioner submits that petitioner's acquittal in Vigilance P.S. case no. 41 of 2014 on same set of charge and on the same set of evidence has been brought to the notice of respondent no.3 by communication dated 02.10.2018.

Application however, prima facie does not bear any receipt from the office of the Superintendent of Police, Nawada.

If the petitioner seeks consideration of the authority conducting departmental proceedings on account of his acquittal for the same charge, in that case, petitioner should submit copy of order dated 06.09.2018 passed by the Special Judge,



Vigilance (Trap Cases), Patna in Special case no. 48/2014 arising out of Vigilance P.S. case no. 41/2014 before respondent no.3.

As submitted by counsel for the petitioner, petitioner would be at liberty to submit the same along with a representation placing reliance on the decision of the Apex Court in the case of Capt. M.Paul Anthony vs. Bharat Gold Mines Ltd & ors reported in (1999) 3 SCC 679 and G. M.Tank vs. State of Gujrat & ors reported in (2006) 5 SCC 446 within two weeks from today.

In the event, such application is filed, this court would expect that authority would consider whether petitioner is entitled to any benefit on account of his acquittal.

Proceedings in the department should be taken only after decision by respondent no.3 on the claim of the petitioner which should be expeditiously taken within eight weeks thereafter.

Writ petition is disposed of with the aforesaid observations/directions.

(Madhuresh Prasad, J)

s.hassan/-

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