

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16293 of 2014

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Raj Kishor Chaudhary son of Sri Achey Lal Chaudhary resident of village -
Bhataura, Police Station - Gahmar, District - Ghajipur U.P. , residing at Post
and Village - Virpur, P.S. Bhawarkol, District - Gajipur U.P.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Inspector General - cum - the Director General of Police, Government
of Bihar, Patna
3. The Deputy Inspector General of Police, Bihar Military Police Central
Division , Patna
4. The Superintendent of Police, Railway, Muzaffarpur
5. The Commandant, Bihar Military Police - 4, Dumraon, District - Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Jha

For the Respondent/s : Mr.Mithlesh Kr. Upadhyay, AC to GP3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-07-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner has been visited with punishment of
dismissal from service by order dated 07.05.2012 issued by the
Superintendent of Police, Railway, Muzaffarpur. Order of
Superintendent of Police was affirmed by Deputy Inspector
General (DIG) dated 02.02.2013. Both orders are assailed in the
instant proceedings.

Counsel for the petitioner submits that proceeding in
the department leading to dismissal of the petitioner was based
on the same set of charge and on the same set of evidence which



was being tried in Trial no. 1716/2014 by the criminal court. Judgment of trial court is dated 17.01.2014 by which the petitioner has been acquitted of the same charge on the basis of the same evidence.

Placing reliance on the judgment in the case of Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd and another reported in 1999 Volume III SCC 679, counsel for the petitioner submits that he would be approaching DIG (respondent no.3) for reconsideration of the punishment awarded to him having regard to the outcome of the criminal proceeding.

Counsel for State submits that the petitioner would be entitled to benefit only when the case comes within the parameter of law laid down by the Apex Court in the said judgment.

Issue therefore, requires consideration by respondent no.3.

Writ petition is disposed of with liberty to the petitioner to approach respondent no.3 for reconsideration of punishment in view of law as referred hereinabove.

Writ petition stands disposed of.

s.hassan/-

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(Madhuresh Prasad, J)

