

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.877 of 2014

In

Civil Writ Jurisdiction Case No.2613 of 2007

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Shri Gyandeo Sharma, S/o Late Shukdeo Sharma, R/o Boring Road, P.S. S.K. Puri, Dist Patna

... .. Appellant/s

Versus

1. Shri Arun Kumar. S/o Late Harbans Lal Grover. R/o 303/304 Om Raj Apartments, Jamal Road, P.S.- Gandhi Maidan, Dist Patna
2. The State of Bihar
3. The Director General of Police, Old Secretariat, Patna 800015
4. The Inspector General of Police, Patna Zone, Police Office, Patna 800001
5. The Deputy Inspector General of Police, Central Range, Police Office, Patna 800001
6. The Senior Superintendent of Police, Patna
7. The City Superintendent of Police, Patna
8. The Deputy Superintendent of Police, Sachivalaya, Patna
9. Shri Madan Prasad Singh, Inspector of Police cum Officer in Charge Shri Krishan Puri Police Station, Patna
10. Shri Krishna Chaudhry, Sub Inspector of Police, Shri Krishna Puri Police Station, Patna
11. The District Magistrate, Patna
12. The Director, Investigation, Department of Income Tax, Bihar, Patna- 800001
13. The Director, Enforcement Directorate, Bihar, Patna
14. The Inspector General of Police I.G. Economic Offence Unit, Dr. Sri Krishna Singh Path, Govt. of Bihar, Patna- 800001

... .. Respondent/s

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with

Letters Patent Appeal No. 1014 of 2014

In

Civil Writ Jurisdiction Case No.2613 of 2007

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Shri Gyandeo Sharma, S/o Late Sukdeo Sharma, R/o Boring Road, P.S. S.K. Puri, District Patna.

... .. Appellant/s

Versus

1. Arun Kumar, S/o Late Harbans Lal Grover, R/o 303/304 Om Raj Apartments, Jamal Road, P.S. Gandhi Madian, District Patna.
2. The State of Bihar.
3. The Director General of Police, Old Secretariat, Patna-800015.
4. The Inspector General of Police, Patna Zone, Police Office, Patna 800001.
5. The Deputy Inspector General of Police, Central Range, Police Office, Patna 800001.
6. The Senior Superintendent of Police, Patna.
7. The City Superintendent of Police, Patna.
8. The Deputy Superintendent of Police, Sachivalaya, Patna.



9. Shri Madan Prasad Singh, Inspector of Police cum Officer in charge Shri Krishan Puri Police Station, Patna.
10. Shri Krishna Chaudhary, Sub Inspector of Police, Shri Krishna Puri Police Station, Patna.
11. The District Magistrate, Patna.
12. The Director, Investigation, Department of Income Tax, Bihar, Patna-800001.
13. The Director, Enforcement Directorate, Bihar, Patna.
14. The Inspector General of Police (I.G.) Economic Offence Unit, Dr. Sri Krishna Singh Path, Govt. of Bihar, Patna- 800001.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 877 and 1014 of 2014)

For the Appellant	:	Mr.Prashant Sinha, Advocate Mr. Amar Jyoti Sharma, Advocate
For the State	:	Mr. Prabhakar Jha, G.P. 27 Mr. M. Mohan Jha, AC to GP-27 Mr. Shankar Kumar Thakur, AC to GP-27
For EOU	:	Mr. V.N.P. Sinha, Sr. Advocate Mr. Vijay Anand, Advocate
For the Income Tax	:	Smt. Archana Sahi, Advocate Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-01-2019

Heard Sri Prashant Sinha, learned counsel for the appellant and Sri Prabhakar Jha, learned counsel for the State of Bihar. No one appears on behalf of the respondent-petitioner.

2. Carefully perused the order passed by the Division Bench on 14th November, 2014. It appears that thereafter the matter was adjourned at the instance of the respondent-petitioner as he was contemplating to file Special Leave Petition before the Supreme Court, which facts stand noted in the order dated 27th August, 2015.



3. The Special Leave Petition was filed but was dismissed at that stage observing that it will be open to the appellant therein to approach the Apex Court after the review application is disposed of. The order of the Supreme Court dated 27.02.2015 is extracted herein under :

“We are not inclined to interfere at this stage. The special leave petitions are dismissed.

However, if after pursuing the review petition before the High Court, it so happen that the review is disposed of, the petitioner will be at liberty to revive this SLP and come up again against the order of the review petition as well.”

4. It appears that the review application before the learned Single Judge was allowed and the order dated 14th January, 2013 in so far as it related to the appellant was recalled. The order dated 29.07.2015 passed in Civil Review No.164 of 2013 is extracted herein under :

“The Court opines that may be the stage for giving direction upon Respondent No. 11 in terms of the order, dated 14.01.2013 may not have been reached. Matter will be considered at an appropriate stage. The direction, dated 14.01.2013, so far as it relates to Respondent No. 11, is hereby recalled.



Review application is allowed.”

5. In the backdrop of the facts as brought out in detail in the order dated 14th November, 2014 passed by the Division Bench, we entirely agree with the observations made therein and the said order shall form part of this judgment. We concur that the writ petition itself ought not to have been entertained. However, in view of the recall of the order by the learned Single Judge himself, not only these appeals but the writ petition giving rise to the appeals deserve to be consigned to records, subject to the observations made herein above. The appeals are, therefore, consigned to records and the copy of this order be placed on the records of the writ petition which shall also stand consigned.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Nasimul/P.N.M.

AFR/NAFR	
CAV DATE	N/A
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