

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.380 of 2018

In
Civil Writ Jurisdiction Case No.14248 of 2010

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Sheoji Prasad, Son of Kapildeo Prasad, Resident of Village-Alwalpur, P.S.
Gaurichak, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Deputy Inspector General of Police, Central Range, Patna.
3. The Commandant, B.M.P.-XIV, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anupam Raj, Advocate
For the Respondent/s : Dr. Anand Kumar, A.C. to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-05-2019

Shri Anupam Raj makes a request for adjournment.

2. We do not find this case worth adjourning,
inasmuch as, the appeal has been filed whereafter several
mention-slips were tendered for taking up the matter.

3. The appeal arises out of the impugned judgment
dated 23rd of February, 2018, in C.W.J.C. No. 14248 of 2010,
whereby the learned Single Judge has dismissed the writ
petition challenging the order of dismissal of the appellant.

4. There were two charges against the appellant,
one that he was involved in a murder case and the second that



he had been taken into custody in the said case from 25.03.1999 to 28.07.1999, he was actually in jail, whereas in his defence he set up a case before the Disciplinary Authority that he was under treatment and for that he tendered a medical certificate issued by the Sadar Hospital, Hajipur.

5. The status of detention was detected and was reported by the Superintendent of Police (Rural) Patna on 30th August, 1999 in connection with the same criminal case. It is this charge which substantially stirs at the face of the appellant.

6. The contention raised in the appeal is that the appellant has been acquitted in the criminal case, but the same has not been taken into account in spite of the fact that the same was in the notice of the respondents.

7. We have perused the judgment of the trial court in the criminal case in which the appellant was acquitted where we find that all the witnesses had turned hostile and consequently the appellant got the benefit of doubt. In these circumstances, the acquittal in no way helps the appellant, inasmuch as, the first charge with regard to his absence from 25.03.1999 to 28.07.1999 was proved on the basis of documents received from the jail that he was under detention, whereas the defence taken by the appellant was that he was being treated and



had tendered a medical certificate which was obviously false. The said charge, therefore, of producing a false medical certificate stands established. In these circumstances, mere acquittal in the criminal case does not come to the aid of the appellant.

8. There is no merit in the appeal, which is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Jagdish/-

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