

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1964 of 2018

Amrita Singh, daughter of Sri Surendra Pratap Singh, wife of Shardendu Bhushan, resident of House No. E/3, Phase-2, Ashiana Nagar, Patna - 800025.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. Ratna Sanjay, Inspector General, Special Vigilance Unit, Bihar, Patna
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khowaja Siddiqui, Advocate
Mr. Niranjana Kumar, Advocate
For the Opposite Party/s : Mr. Anjani Kumar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-02-2019

Heard learned counsel for the parties.

2. Mr. Shardendu Bhushan, an Assistant Engineer in Road Construction Department, Government of Bihar was made accused in FIR bearing Special Vigilance Unit, Patna Case No. 01 of 2015 with allegation that he misused his office and earned disproportionate asset in his name as well as in the name of his wife Amrita Singh (petitioner herein). Amrita Singh filed Cr.W.JC. No. 1084 of 2016 claiming therein that the properties in her name were her own property purchased from known source of income. She is running independent business in the name and style of M/S Siddhivinayak. She is income tax payee and every property purchased is already accounted for. The same was disputed by the respondent to the writ application. Therefore, by order dated 04.10.2017, this Court asked the petitioner to file representation



before respondent no. 4-Inspector General, Special Vigilance Unit, Patna ventilating her grievances along with entire papers of her income from the firm as well as payment of income tax and purchase of the properties. Thereafter, Amrita Singh filed representation on 17.10.2017. By order dated 04.10.2017, respondent no. 4 was directed to pass a necessary order within four weeks of filing of the representation by a reasoned order.

3. Since, the aforesaid order was not being complied by the respondent no. 4, this MJC No. 1964 of 2018 was filed by the petitioner for issuance of contempt notice against respondent no. 4.

4. By order dated 09.08.2018, this Court again allowed time to respondent no. 4 for filing of the inquiry report. In pursuance of that, inquiry report dated 07.12.2018 has been filed in a sealed cover. The seal was opened in the Court and inquiry report was perused.

5. In the circumstance, this contempt proceeding stands dropped as there is no case of willful disobedience of order of this Court.

6. Learned counsel for the petitioner submits that a copy of the inquiry report be supplied to the petitioner as the same report and decision had been taken on the representation of the petitioner filed in pursuance of the order of this Court.



7. Learned Senior Counsel for the respondents submits that the said writ application has already been finally disposed of on 28.09.2018 with specific conclusion that relief no. 1(i) to (iv) can not be granted in a writ jurisdiction. Relief no. 1(v) was allowed to the extent that a direction was issued to the authorities to conclude the investigation of the criminal case expeditiously. Therefore, the interim order of this Court merged in the final order and the authorities, who have submitted the report are, specific that in the event of supply of the report to the petitioner, who is not an accused before the Criminal Court, the trial may prejudice or the evidence may be tampered. If the authorities would find it appropriate they would submit the report along with charge sheet under Section 173 Cr.P.C. and if they would not find it appropriate they may not submit the same. For the reason that any third party (as the petitioner is) has no right to participate in the investigation and get a copy during pendency of the investigation, rather the provisions of Sections 13 and 14 of the Bihar Special Courts Act, 2009 are clear that when such property are going to be confiscated, notice of confiscation would be given to the concerned parties. Since, the petitioner herein is also said to be having property in her name purchased by her husband from the disproportionate asset, hence, she would also have right to participate in confiscation proceeding and raise her objection



which shall be considered according to law.

8. Learned counsel for the petitioner submits that in Writ Petition (Civil) No. 1309 of 2018 **Alok Kumar Verma Vs. The Union of India & Anr.**, the Hon'ble Supreme Court allowed the report of the CVC to be supplied in sealed cover to the learned counsel for the petitioner of that case. Therefore, there is no reason to not supply the present report to the petitioner.

9. The order of the Hon'ble Supreme Court was interim order. That was not a ratio decided that in each and every case such report should be supplied nor there is any statutory provision which empowers the petitioner to file representation and get result of the representation. The writ petition has finally been dismissed. Hence, interim order aforesaid in the same writ petition merged in the final order. Therefore, the prayer for supply of the report stands refused.

10. Let the inquiry report be kept in sealed cover.

11. This M.J.C. stands disposed of. The contempt proceeding is dropped.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	11.02.2019
Transmission Date	11.02.2019

