

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19790 of 2018

Arising Out of PS. Case No.-37 Year-2012 Thana- VIGILANCE District- Patna

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Jai Mangal Paswan son of Late Kunwar Paswan Resident of House No. 6B -
26, Tilak Marg, North Sri Krishnapuri, P.S. Sri Krishnapuri, District -
Patna.

... .. Petitioner/s

Versus

The State Of Bihar Through The Vigilance Investigation Bureau

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Kumar
For the Opposite Party/s : Mr.Ramakant Sharmal.O.,I/C. Vigi

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 25-09-2019

Heard learned counsel for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 10.01.2018, passed in Special Case No. 22 of 2012 arising out of Vigilance P.S. Case No. 37 of 2012 by the learned Special Judge, Vigilance, North Bihar, Muzaffarpur, whereby and whereunder the petition filed by the petitioner for his discharge has been rejected.

Facts of the case, in short, is that the Inspector, Vigilance Investigation Bureau, Muzaffarpur Range, Muzaffarpur submitted a written report inter alia stating that an inquiry was conducted by the team of vigilance with respect to the financial irregularity causing loss of government money and embezzlement of public money in execution of the Rural



Employment Scheme of District Development Authority, Siwan. It is further alleged that under the Sampurna Gramin Rojgar Yojana (SGRY), during inquiry, it was found that several lakh quintals of grains allotted under the aforesaid scheme were misappropriated. It is further alleged that total 2,88,120 quintals of rice allotted in the year 2001-02 to 2004-05 only 2,61,450 quintals of rice were released and the rest of rice was not released at any point of time. Further the rice allotted to Zila Parishad, Panchayat Samiti and Gram Panchayat was said to be in utter violation of the guidelines issued by the Government in this regard. It is further alleged that out of 3278, only 926 were shown to be completed and that too without picking/uplifting of rice in accordance with the guidelines. Even the funds available to the District Rural Development Agency, Siwan for Sampurna Gramin Rojgar Yojana was also misused. Moreover, the empty bags of grains were alleged to have not been auctioned. On the basis of the aforesaid complaint an F.I.R. being Vigilance P.S. Case No. 37 of 2012 under Sections 467, 468, 471(A), 420, 120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1) (d) of the prevention of Corruption Act has been instituted.

Learned counsel for the petitioner submits that the petitioner was posted as Additional Collector, Siwan in between 16.09.2004 to 05.09.2006 but he never posted as a Director, Accounts Administration and Self Employment, Siwan and he was



not involved in implementation of Sampurna Gramin Rojgar Yojana as such there was no occasion arisen for him to be involved in any conspiracy for misappropriation and embezzlement of public money. Therefore, no case is made out against the petitioner under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act. The learned court below has not appreciated the relevant material available on record and rejected the petition filed for discharge without applying the judicial mind in mechanical manner. On basis of the aforesaid submissions, learned counsel submits that the learned trial Court has erred in rejecting the petition of discharge filed by the petitioner, and as such, the same is fit to be quashed.

Learned counsel appearing for State has submitted that the learned court below has rightly passed a well discussed and reasoned order after considering the inquiry report and the case diary as well as the relevant material available on record, rejecting the petition of discharge filed by the petitioner. Moreover, if the petitioner is aggrieved by the impugned order, he has an alternative remedy to move before the revisional court against the impugned order as the same is a revisable order.

From perusal of the order of the learned Special Judge, Vigilance, Muzaffarpur, it appears that the learned court below has rightly passed a well reasoned order after considering the inquiry report and the case diary available on record from



which it is apparent that the petitioner was discharging his duty at the relevant place and during that period government money has been misappropriated and in view of the aforesaid fact, the learned court below has found sufficient material against the petitioner for framing of charge and accordingly charges have been framed against the petitioner.

Considering the facts and circumstances of the case, the materials available on record and the submissions advanced on behalf of the parties, in view of the fact that the order passed by the Court below rejecting the petition of discharge filed by the petitioner is a revisable order and petitioner has an alternative remedy of moving the revisional Court, this Court is not inclined to interfere in the matter under its extra ordinary jurisdiction under section 482 of the Code of Criminal Procedure. The prayer for quashing the order rejecting the petition of discharge as also the entire criminal proceeding is, therefore, rejected.

The application, accordingly, stands dismissed.

(Arvind Srivastava, J)

Brajesh/-

AFR/NAFR	
CAV DATE	17.05.2019
Uploading Date	01.10.2019
Transmission Date	

