

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1829 of 2018

In
Letters Patent Appeal No.1607 of 2016

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Babban Prasad Singh Son of Late Bindeshwari Singh, Proprietor of Hitech Engineering, Resident of Variety Complex, Shivpur, Mahendur, P.S.-Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Sri Sanjay Kumar, Principal Secretary, Health Department, Govt. Of Bihar
2. Sri Dr. C.M. Jha, Director In- chief Health Department, Govt. of Bihar, Patna.
3. Sri Dr. Dipak Tandan, Superintendent Patna Medical College and Hospital, Patna.
4. Sri Sunil Kumar Jha, A.D.G., Vigilance Investigation Bureau, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar
For the State	:	Mr. S. D. Yadav, AAG 9
		Mr. Braj Bhushan Mishra, AC to AAG 9
For the Vigilance	:	Mr. Sanjay Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 14-11-2019 This application, under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, has been filed by the petitioner for initiating a contempt proceeding against the opposite parties for non-compliance of the order, dated 23.03.2018, passed in LPA No. 1607 of 2016.

The order, dated 23.03.2018, passed in LPA No. 1607 of 2016, reads as under:-



“The Letters Patent Appeal is now stands disposed of in view of institution of the FIR by the Vigilance against the accused persons against whom prima facie materials and evidence had come of wrong doing.

The Vigilance is directed to now take the case to its logical end without dragging their feet on the issue.”

Immediately after two months of the order, dated 23.03.2018, the instant application has been filed by the petitioner on 28.05.2018, alleging therein that investigating agency is not investigating the case in a proper manner. A submission has been made on behalf of the petitioner that the Investigating Officer is sitting tight over the matter and the order passed by this Court is not being complied with.

On the other hand, learned Counsel appearing on behalf of the Vigilance submitted that the application filed by the petitioner is totally misconceived. There is no material on the basis of which the petitioner can claim that the investigation is not being conducted in a fair and impartial manner. There is also no material to suggest that the Investigating Officer is sitting tight over the matter. The petitioner is trying to monitor the investigation of the case, which is supposed to be confidential in nature.



We find force in the submission of learned Counsel for the Vigilance. There is no outer limit fixed for investigation by the Court vide its order, dated 23.03.2018. Hence, there is no question of violation of the order passed by the Court. Once a criminal case has been instituted, an investigation into it is the exclusive domain of the police. At this stage, the petitioner has no say. Merely because he was the appellant in the Letters Patent Appeal, the same would not confer any right on him to interfere with the investigation or to monitor the same.

In our considered opinion, no case for initiating contempt proceeding has been made out. The application is dismissed.

(Ashwani Kumar Singh, J.)

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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