

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2802 of 2012

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Sri Kant Prasad S/O Late Harihar Prasad, Resident of Mohalla Mugal Kuan,
P.O. + P.S. Soh Sarai, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar through the Additional Director General (A.D.G.) of
Police, Vigilance, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Senior Advocate
Mr. Manish Sahay, Advocate

For the Opposite Party/s : Mr. Anjani Kumar, LOC Incharge Vigilance
Mr. Sanjay Kumar, AC to LOC Incharge

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-01-2019

Heard Mr. Rajendra Narayan, learned senior counsel
along with Mr. Manish Sahay, learned counsel for the petitioner
and learned counsel for the Vigilance.

2. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973 for the following relief:

*“That this application is being filed for
quashing the order taking cognizance dated
20/10/2011 with regard to the petitioner only, passed
by learned Special Judge Vigilance 1st Patna in
special case no. 92 of 2009 in connection with
Nigrani P.S. Case No. 116/2009, whereby and where
under the said learned Judge has taken cognizance
against the petitioner as well as some other persons
u/Ss 420/466/467/468/471/120(B) IPC and Sec. 13(1)
(C)(D) of Prevention of Corruption Act, 1988 And
Sec. 9(B) Bihar Prevention of Specified Corrupt
Practices Act-1983 in the light of charge sheet no.
85/2011 dated 20/10/2011.”*



3. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the application with liberty to raise all points available to him, both on facts and law, before the Court below itself at the appropriate stage.

4. In view thereof, the application stands disposed off as withdrawn with liberty aforesaid.

5. It goes without saying that if the petitioner moves the Court below at the appropriate stage, including framing of charge, by filing an appropriate application, the Court below shall consider the same on its own merits, without being prejudiced by the present order, in accordance with law.

(Ahsanuddin Amanullah, J)

P. Kumar

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