

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13 of 2017

Arising Out of PS. Case No.-1 Year-2010 Thana- C.B.I CASE District- Patna

Miss Sneha Singh, D/o Awadhesh Kumar Singh, resident of M-35,
Shrikrishna Nagar, P.S.- Budha Colony, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar Through Special Vigilance Unit, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Mr. Anjani Kumar, L.O.,I/C Vig.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 10-01-2019 Heard learned counsel for the petitioner as well as
learned J.C to Law Officer, Vigilance.

Petitioner is the daughter of Awadhesh Kumar Singh, a public servant who was initially apprehended during course of trapping at the end of the CBI. During course of investigation CBI found accumulation of property disproportionate to his income and so, requested the Chief Secretary to get a case registered relating to disproportionate asset and on account thereof, Special Vigilance Unit Case No.01/2010, the present one has been registered against Awadhesh Kumar Singh but, after completing investigation, his family members that means to say wife, daughter in whose name properties stand have been charge sheeted and by the order impugned summoned to face trial for an offence punishable under Section 467, 468, 471, 193,



109, 120B IPC, 13(2) read with 13(1)(e) of the P.C. Act.

While going through the petition, paragraph 17 has been quoted in following way:

“17. That it is most important to state here that the petitioner is suffering from mental disorder since 2010 and since then she is in continuous treatment and under the care of the Specialist of Fortis and Max Hospital, New Delhi where she is residing with her mother as per instruction and advise of the treating Physician.

The reply of vigilance by way of counter affidavit is on the record and paragraph 23 deals with same wherein it has been stated that it was never brought to the knowledge of the I.O. It is needless to say that I.O. during course of investigation has also to collect material with regard to status of the accused, more particularly, when an accused is insane then, how there would be acquisition.

Be that as it may, once such disclosure has been made, then in that circumstance, unless and until there would have been a disclosure at the end of the petitioner that she was capable to understand or she was mentally fit to know about the consequence of the proceeding, neither she should continue with the petition of her own because of the fact that in such case the



accused has to be proceeded by the court concerned in accordance with procedure so laid down under Chapter-XXV of the Cr.P.C., apart from that, Mental Health Act is also there to guide the issue.

In the aforesaid background, the learned counsel for the petitioner seeks withdrawal of instant petition to raise the issue before the learned lower court in accordance with law and giving such liberty, instant petition is dismissed as withdrawn.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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