

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.616 of 2018

Arising Out of PS. Case No.-47 Year-2003 Thana- ARA NAWADA District- Bhojpur

Rajdeo Singh, son of late Ganga Singh, resident of village- Mishra Ballia,
P.O.- Karampur, P.S. + District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Department, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate Mr. Ashutosh Singh, Advocate
For the State	:	Mr. Anjani Kumar, Sr. Advocate Mr. Sanjay Kumar, Advocate
For the Vigilance	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-10-2019

Heard learned counsel for the petitioner and learned counsel
for the Vigilance.

2. The petitioner has moved the Court under Sections 397
and 401 of the Code of Criminal Procedure, 1973, (hereinafter
referred to as the 'Code') against the order dated 27.03.2018
passed by the Special Judge, Vigilance- 1st, Patna, in Special Case
No.18 of 2005 arising out of Ara Nawada P.S. Case No. 47 of 2003
dated 01.04.2003 by which the petition filed by him for discharge
under Section 239 of the Code has been rejected.

3. Learned counsel for the petitioner submitted that
pendency of the present case is ironical for the reason that on the
one hand the State, in the departmental proceeding, has set aside
the memo of charges issued by it and has exonerated him from all



charges but in the present criminal case lodged against him on the same charges, where the State itself is the prosecutor, charge-sheet has been submitted.

4. The Court without going into the merits would only observe that submission on behalf of the petitioner appears to carry weight. However, as has rightly been submitted by learned counsel for the petitioner, probably in the present case where the Court can only go into correctness, legality or propriety of any finding, finds itself handicapped to go into the larger legal aspect of the issue and the conduct of the State, as reflected in the present case.

5. Learned counsel submitted that being aware of his limitation in the present case, he would be approaching the appropriate forum for quashing of the entire criminal proceeding against him relating to Special Case No.18 of 2005.

6. In view thereof, the application stands disposed off with liberty aforesaid.

(Ahsanuddin Amanullah, J)

J. Alam/-

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