

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15640 of 2018

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Prem Kumar S/o Late Babu Bhagwan Prasad, R/o Vill- Paiga, P.S.- Bhaldi,
Distt- Saran Bihar, at present resident of Saket Bihar, Mitra Mandal Colony,
Police Station, Phulwari Sharif, Distt- Patna Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Old Secretariat, Patna, Bihar
2. Inspector General of Prison and Correctional Services, Home Department,
Govt. of Bihar, Old Secretariat, Patna
3. The Cabinet Secretariat and Co-ordination Department, Government of
Bihar through its Secretary, Old Secretariat, Patna, Bihar
4. Law Department, Government of Bihar through its Secretary, Old
Secretariat, Patna, Bihar.
5. Vigilance Investigation Bureau, Bihar, Patna through its Inspector General ,
6, Circular Road, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. P.N. Shahi, AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-12-2020

Petitioner has prayed for the following relief(s):

“a) The business of 'sanction for
prosecution of public servant' placed under
Law Department (Judicial Branch) in the
Schedule I to the “Rules of Executive



Business, Bihar'1979" overrides the mandate of Section 19(1)(b) of the Prevention of Corruption Act' 1988 and, therefore, is *ultra vires*; and

b) set aside the order dated 17.01.2008 granting sanction for prosecution of the Petitioner for offences u/s 13(2) read with 13(1)(e) of the PC Act as required u/s 19 of the PC Act; and

c) set aside the consequent order taking cognizance dated 22.03.2008 passed by the Learned Special Judge, Vigilance-1, Patna; and

d) hold that further trial of the Petitioner in Spl. Case No.76/0226 pending in the Court of Learned Special Judge, Vigilance-1, Patna is devoid of any authority of law; and

e) pass such order/s as Your Lordships deem fit in the facts and circumstances of the case."

Finding the Court not to be in favour with the submissions made by the learned counsel across the Bar, under instructions, learned counsel seeks permission to withdraw the present petition.

Permission granted.



We find that one Vigilance P.S. Case No.73 of 2006 was registered against the petitioner on 7th of November, 2006, under the provisions of Section 7/13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

We notice that the petitioner has been challenging several orders with regard to the same prosecution before different Courts, including Hon'ble the Hon'ble Supreme Court of India.

On a pointed query, learned counsel states that he is not aware of the stage of the trial.

Be that as it may, we direct the trial to be expedited, preferably on day-to-day basis, subject, of course, to the convenience of the concerned Court and the availability of the learned counsel and witnesses.

Noticeably, huge amount of assets in the shape of cash, jewellery, vehicle and bank accounts was recovered from the conscious possession of the petitioner.

We clarify that we have not expressed any opinion on merits with regard to the matter pending trial, but, however, are concerned only of inordinate delay and, as such, under these circumstances, we have directed expediting of the trial.



Registrar General of this Court is directed to transmit a copy of the order to the concerned Court as also the concerned District Judge who shall ensure compliance.

Petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2020
Transmission Date	

