IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 52474 of 2015

Arising Out of FIR No. RC0922014S0006 Year-2014 Thana- CBI Case District- Patna

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Uttam Kumar, S/o Late Sahdeo Das, resident of Qr. No. 114/3, Central Revenue Colony, Ashiyana Road, P.S. - Shastri Nagar, Patna – 25, at present posted on the post of Income Tax Officer, IAP Unit, Patna O/o Commissioner of Income Tax (Audit), 3rd Floor, Alankar Palace, Boring Road, Patna -1

... ... Petitioner/s

Versus

1. The Central Bureau of Investigation, Special Crime Branch, Patna through the Superintendent of Police, Central Bureau of Investigation, Special Crime Branch, Patna, Dr. S.K. Singh Path, Bailey Road, Patna – 800 022.
2. The Inspector of Police, Central Bureau of Investigation, Special Crime Branch, Patna, Dr. S. K. Singh Path, Bailey Road, Patna – 800 022
3. Maulesh Paswan, son of Sh. Jagdish Paswan, the General Secretary, All India Income Tax SC/ST Employees Welfare Federation, Unit Patna, (Bihar & Jharkhand) at present residing at Qt. No. 179, New Type – III, Central Revenue Colony, Ashiyana Road, P.S. - Shastri Nagar, Patna 25, at present posted on the post of Office Superintendent, O/o the Joint / Additional Commissioner of Income Tax, Range – 1, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chawraha, Patna – 800 001.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Niranjan Kumar, Advocate
For the CBI	:	Mr. Bipin Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02. 08.09.2020 Heard Mr. Niranjan Kumar, learned counsel for the petitioner and Mr. Bipin Kumar Sinha, learned Advocate for the CBI.

This is an application seeking quashing of First Information Report No. RC0922014S0006 dated 30.12.2014 instituted for the offences under Sections 120B, 420, [illegible] 471 of the Indian Penal Code.

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At the outset, Mr. Bipin Kumar Sinha, learned counsel for the CBI has informed this Court that after the charge-sheet was submitted in this case, cognizance has been taken and against the order of cognizance, the petitioner and others have preferred an application seeking its quashing.

When this fact was stated to the counsel for the petitioner, he expressed his ignorance about the same and stated that some other accused persons may have filed the application for quashing of the order of cognizance.

Later, it transpired that the learned counsel (Mr. Niranjan Kumar) has filed an appearance in that case also after obtaining no objection certificate from the filing counsel, namely, Mr. Pradip Kumar.

Though several grounds have been raised by the learned counsel for the petitioner in the present case, especially the directions which have been issued in the case of ***Kumari Madhuri Patil Versus Additional***

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Commissioner Tribal Development [(1994) 6 SCC 241] but the fact remains that the order of cognizance also has been challenged.

The petitioner would be well advised to pursue the aforesaid case.

This Court does not appreciate the wrong statement made by the learned counsel for the petitioner that he has no idea about the other petition having been filed.

The petition stands dismissed with the liberty to the petitioner to pursue the Cr. Misc. No. 31422 of 2016, by which the order taking cognizance has been challenged.

(Ashutosh Kumar, J)

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