

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3801 of 2015

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Munni Prasad Son of Late Basdeo Mahto, Resident of Mohalla- Satbighi
Sheikhpura , P.S.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Joint Secretary of the Government, Bihar, Law Department, Secretariat ,
Patna.
3. The District Magistrate, Sheikhpura.
4. The District and Sessions Judge, Munger at present in Lakhisarai.
5. The Principal Magistrate, J.J. Board, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Syed. Rizwanul Haque

For the Respondent/s : Mr.Rajiv Kumar Singh

Mr. Narendra Kumar Singh, AC to GP 2

Mr. Baidynath Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 14-12-2022 The petitioner has filed the present writ application

for a direction to the respondent authorities to pay a sum of Rs.

3,08,250/- by way of his professional bill for the work done by

the petitioner as Special Public Prosecutor, Sheikhpura.

Learned counsel for the petitioner submits that

petitioner was appointed as Special Public Prosecutor by virtue

of notification dated 28/02/2014 for the purposes of rendering

his professional work relating to Protection of Children From



Sexual Offences Act, 2012. He further submits that between 13.03.2014 and 10.09.2014 the petitioner appeared on behalf of the State before the Juvenile Justice Board, Sheikhpura and conducted various cases therein because at that point of time no A.P.O. or any other counsel was appointed by the State and the Court of Special Judge, POCSO was vacant. He next submits that after the Special Judge took charge in the Sessions Court and A.P.O. was appointed by the State for the purposes of conducting cases at Juvenile Justice Board, Sheikhpura, the petitioner started rendering his services as Special Public Prosecutor at Sessions Court / POCSO Court and still he has been working as Special Public Prosecutor (POCSO Court) at Sessions Division, Sheikhpura.

Learned counsel for the State submits that the petitioner has been appointed as Special Public Prosecutor under Section 32 of the Protection of Children From Sexual Offences Act, 2012 for the purposes of conducting cases before the Court of Sessions designated as Special Court under Section 28 of the POCSO Act. He further submits that Additional Public Prosecutor appointed under Section 24 of the Cr.P.C. are authorized to conduct cases under the Juvenile Justice (Care and Protection of Children) Act, 2015 to conduct cases before the



Principal Magistrate, Juvenile Justice Board.

I have heard learned counsel for the parties. The contention of the petitioner that during the period between 13.03.2014 to 10.09.2014 no Additional Public Prosecutor or any other State counsel was appointed to conduct cases before the Juvenile Justice Board and since the petitioner was appointed as Special Public Prosecutor as such according to the petitioner when the court of designated Special Court under the POCSO Act was vacant, he conducted the cases before the Juvenile Justice Board, Sheikhpura on behalf of the State. This aspect of the matter has not been examined by the respondents while refusing to pay professional bill submitted by the petitioner on 11.09.2014.

In that view of the matter, I direct the petitioner to file a representation along with professional bills before the respondent no. 5 / Principal Magistrate, J.J. Board, Sheikhpura stating therein the entire facts within a period of ten days. If the representation along with professional bill is filed by the petitioner within the aforesaid period, the respondent no. 5 shall verify the same and dispose the representation of the petitioner in accordance with law within a further period of one month from the date of receipt of representation.



With the aforesaid observation and direction, this writ
application is disposed of.

(Anil Kumar Sinha, J)

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