

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1250 of 2016

Arising Out of PS. Case No.-67 Year-2016 Thana- VIGILANCE District- Patna

Sanjay Tiwary Son of Rameshwar Tiwary Resident of Village- Hasanpura,
P.S. Mohaniya, District- Kaimur Bhabua.

... .. Petitioner

Versus

The State of Bihar through Vigilance Investigation Bureau, Patna

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh, Advocate
For the Vigilance : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 30-06-2022 This writ application has been filed seeking quashing of the first information report giving rise to Vigilance P.S. Case No. 67 of 2016 for the offences alleged under Section 7/8/13(2) read with Section 13(i)(d) of the Prevention of Corruption Act.

It appears from the previous order dated 21.04.2022 that the investigation of the case is complete and chargesheet bearing no. 104 of 2018 has already been submitted on 30.08.2018. The matter was adjourned for the learned counsel for the petitioner to take further instructions in the matter with respect to the development in the learned trial court.

At this stage, learned counsel for the petitioner submits that after submission of chargesheet, cognizance has been taken and now the case is fixed for appearance of the petitioner.

Mr. Arvind Kumar, learned counsel for the Vigilance



Investigation Bureau submits that since this writ application has not been amended and the order taking cognizance and issuance of summon is not under challenge, the writ application cannot proceed. If the petitioner is aggrieved by and dissatisfied with the order taking cognizance and issuance of summon, he may have to pursue his remedy in an appropriate jurisdiction in a duly constituted application.

This Court finds force in the submission of learned counsel for the Vigilance Investigation Bureau. So far as this application is concerned, as it is, does not fit to proceed.

This application is disposed of with liberty to the petitioner to avail his remedy against the order taking cognizance and issuance of summon, if so advised, before an appropriate court of law in an appropriate jurisdiction.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

