IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31422 of 2016

Arising Out of PS. Case No.-6 Year-2014 Thana- C.B.I CASE District- Patna

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1. Uttam Kumar, son of 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.
2. Vijay Nath Sah, son of Late Raghunath Sah, resident of Diwan Mohalla, Ram Janki Chowraha, P.O. Jhauganj, P.S. Khajekala, District Patna 800008, at present posted as Inspector of Income Tax, TDS Circle, O/o the Assistant Commissioner of Income Tax (TDS), Central Revenue Building (Annexe), Birchand Patel Path, Patna-1. ... ... Petitioners.

Versus

1. The State of Bihar.
2. 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-800022.

... ... Opposite Parties.

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Appearance :

For the Petitioner/s	:	Mr. Niranjan Kumar, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For O.P. No.2	:	Mr. Sourendra Pandey, Standing Counsel C.B.I.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
C.A.V. ORDER

7 22-12-2022 Heard learned counsel for the parties.

The present application under Section 482 Cr.P.C. has been preferred on behalf of the petitioners for quashing the cognizance order dated 19.05.2016 passed by the learned Special Judicial Magistrate, C.B.I.-I, Patna in Regular Case No.6 (s) of 2014.

It appears that earlier the petitioner no.1 had moved before this Court for quashing of the First Information Report No.RC0922014S0006 vide Cr. Misc. No.52474 of 2015 and a co-ordinate Bench of this Court by order dated 08.09.2020 dismissing the application of the petitioner no.1 made some observation against the learned counsel for the petitioner, which is quoted herein below:

"*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*."

It also appears that petitioner no.1 has also filed a quashing application bearing Cr. Misc. No.4017 of 2016, which was dismissed as withdrawn vide order dated 05.09.2016.

In para-2 of this application, the following statement has been made:

"*That it is respectfully stated and submitted that the petitioner nos.1 & 2 have never before approached this Hon'ble Court or the Hon'ble Supreme Court for the grant of the aforesaid prayer at an earlier occasion and petitioner nos.1 & 2 are approaching this Hon'ble Court for the grant of the aforesaid prayer for the first time.*"

Later on, at the end of para-3 (i) (b) following statement has been made:

"*That petitioner no.1 has earlier filed Cr. Misc. No.52474 of 2015 for quashing the impugned CBI, SCB, F.I.R. No.RC0922014S0006 dated 30.12.2014 under Sections 120B,* *420, 467, 468 & 471 of the IPC, and the same is pending final disposal before this Hon'ble Court*".

The petitioners have not mentioned about filing of the quashing application bearing Cr. Misc. No.4017 of 2016, which was dismissed as withdrawn vide order dated 05.09.2016, for the reasons best known to them and tried to suppress it.

I have also called for records of earlier applications in connection with the present case from the office and perused the same.

Having heard learned counsel for the parties and perusing the case record, in my view, without going into the merits of this application, it is fit to be dismissed on the ground of suppression of material facts.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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