

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50138 of 2017

Arising Out of PS. Case No.-329 Year-2014 Thana- FALKA District- Katihar

=====

Rajiv Kumar Ambashta @ Rajiv Kumar Ambast, S/o Kapileshwar Prasad
Ambashta, R/o village-Babhani, P.O.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan- Advocate
		Mr. Amit Narayan- Advocate
For the B.S.F.C.	:	Mr. Niraj Kumar- Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh- A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2023 1. Heard learned counsel for the petitioner, learned

counsel appearing for the B.S.F.C. and learned APP for the

State.

2.The learned counsel for the petitioner submits

that he has already filed an application seeking discharge,

but the Court is not acting upon the same. It is further

submitted that the present quashing application has been

filed seeking quashing of the order of cognizance on the

ground that cognizance was taken without obtaining

sanction. It is further submitted that till date, sanction has

not been given by the competent authority and in absence of

sanction, cognizance has been taken.



3. The learned counsel appearing for the B.S.F.C. submits that no doubt, sanction is an integral part of the prosecution, but then, the same can be obtained at any stage as it is not a case under the Prevention of Corruption Act. It is further submitted by the learned counsel appearing for the B.S.F.C. that since petitioner has filed an application seeking discharge and the petition is pending, the same can be directed to be disposed off.

4. Considering the submission made by the learned counsel appearing for the B.S.F.C., the Court is not inclined to entertain the quashing application.

5. Accordingly, the quashing application is rejected.

6. However, the learned trial Court is directed to expedite the application filed on behalf of the petitioner seeking discharge.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

