

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.446 of 2019

Arising Out of PS. Case No.-97 Year-2014 Thana- VIGILANCE District- Patna

=====

PRADEEP KUMAR Son of Late Hari Lal, Resident of Village- Kagaji
Mohalla, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through Vigilance Department. Patna.
2. Director General of Police, Vigilance Investigation Bureau, Government of Bihar, Patna.
3. The Superintendent-cum-S.H.O. Vigilance P.S. Vigilance Investigation Bureau, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Adv.
For the Respondent/s	:	Mr. Anjani Kumar (L.O., Inc., Vigi.)
For the Vigilance	:	Mr. Arvind Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 11-01-2024 On the basis of an F.I.R. submitted by the father of one Priyanka Kumari, alleging inter alia that the accused accepted bribe of Rs. 20,000/- in order to re-issue the agency of National Saving Certificate in the name of the said Priyanka Kumari, which was cancelled, as the said Priyanka Kumari failed to attend the meeting of the Organization. The petitioner/accused was an employee of the Finance Department, Government of Bihar. On the basis of the same allegation, he has been dismissed from his service.

2. Vigilance P.S. Case No. 97 of 2014 was registered as Special Case No. 77 of 2014 and the said case is still pending



before the Court of the learned Special Judge, Vigilance (Trap), Patna. By an order dated 14th February, 2019 petitioner's prayer under Section 91 of the Cr.P.C. was rejected. By filing the said petition the petitioner prayed for an order to call for the records from the Postal Department to prove his innocence. It is also submitted by the learned Advocate for the petitioner that at the relevant point of time the said Priyanka Kumari, daughter of the informant was studying in N.S.H.M. College of Management and Technology, Durgapur in the State of West Bengal. Therefore, the petitioner had no scope to claim any illegal gratification from the daughter of the informant. He is absolutely innocent and his innocence shall be proved from the relevant documents maintained in the Postal Department.

3. It is submitted by the learned Special Public Prosecutor, Vigilance Department that during investigation no document was seized by the Investigating Officer from the Postal Authority. The prosecution does not rely upon any such document maintained in the Postal Department. Therefore, the document is not required to be call for from the Postal Department on the basis of the application made by the petitioner. The learned trial Judge rightly rejected the said application and there is no reason to interfere with the order impugned.

4. Having heard the learned Advocates for the parties



and on careful perusal of the materials on record, I like to record at the outset that when prosecution does not want to rely upon certain documents maintained in the Postal Department, at the stage of recording evidence on behalf of the prosecution, the accused/petitioner cannot seek for production of those documents which are not relied upon by the prosecution.

5. However, the petitioner has ever right to call for and produce any documents which he thinks necessarily to be produced in order to prove his innocence.

6. At this stage, this Court is of the view that any interference over the impugned order dated 14th February, 2019 is unwarranted. Therefore, the instant Revision being devoid of any merit is dismissed.

7. However, the petitioner is at liberty to adduce evidence in support of his evidence and during D.W. he is at liberty to call for any documents at his own risk and if such application is filed before the learned Trial Court, the court will consider the same in accordance with law.

(Bibek Chaudhuri, J)

pravinkumar/-

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

