IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P.(PIL) No. 2439 of 2019**

Court on its Own Motion

Versus

1. The Chief Secretary, Government of Jharkhand
2. The Home Secretary, Government of Jharkhand
3. The Director General, Anti-Corruption Bureau

… ... Respondents

---

**CORAM: HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE MANOJ PRASAD**

---

| | |
|---|---|
| *Amicus Curiae*: | Mrs. Ritu Kumar, Advocate |
| For the State: | Mr Rohitashya Roy, A.G. |
| | Mr Vibhor Mayank, A.C. to A.G. |
| For the Intervenors: | Mr Rajeev Kumar, Advocate |
| | Mr Navin Kumar, Advocate |
| | Mr. Raj, Advocate |
| | Mr. Samavesh Bhanj Deo, Advocate |

---

Reserved on: 24.09.2026 **Pronounced on: 06/10/2026**

***Per* M. S. Sonak, C.J.**

**1.** Heard learned counsel for the parties and the learned *Amicus Curiae.*

**2.** This Public Interest Litigation originates from the order dated 10.05.2019 passed by the learned Single Judge of this Court in **A.B.A. No. 171 of 2016 (Vinod Kumar @ Binod Kumar Vs. The State of Jharkhand).**

**3.** While considering the said application, the learned Single Judge observed that a substantial question of public importance emerged for consideration, namely, whether an investigation into allegations of corruption against a public servant can be permitted to continue indefinitely for years together, in blatant

disregard of the binding directions issued by the Hon'ble Supreme Court in a series of decisions.

**4.** In view of this observation, the Registry was directed to register a *suo motu* Public Interest Litigation and place the matter before the then Hon'ble Chief Justice for appropriate allocation to a Division Bench.

**5.** At the initial stage, keeping in view the gravity and public importance of the issues involved, Mrs Ritu Kumar, learned advocate, was appointed as Amicus Curiae to assist this Court.

**6.** Thereafter, this Court repeatedly directed the respondent State to submit up-to-date reports regarding cases pending before the investigating agencies in relation to offences under the Prevention of Corruption Act.

**7.** These status reports were sought primarily to ascertain the reasons for the chronic delays in concluding investigations in corruption cases.

**8.** To obtain a clearer picture of the pendency, the respondents were further directed to submit a comprehensive, year-wise breakup of all such pending matters.

**9.** In compliance thereof, a counter-affidavit dated 15.03.2023 was filed on behalf of the Director General/Inspector General of Police, Anti-Corruption Bureau, Government of Jharkhand before this Court.

**10.** Upon perusal of the affidavit submitted on behalf of the respondent State, this Court, vide order dated 02.05.2023, declined to accept the same. Finding that the affidavit amounted

to a mere empty formality executed in total disregard of previous directions, this Court directed the State to file a fresh, comprehensive status report specifically setting out the concrete reasons for the delay in each pending matter.

**11.** The respondents then filed a comprehensive affidavit, which showed that, in many cases, investigations had remained pending before the Anti-Corruption Bureau, Ranchi, for more than ten years.

**12.** In view of this laxity, the respondents were directed to make adequate and effective efforts to complete these investigations at the earliest.

**13.** In compliance with this Court's order, several meetings were held between the senior functionaries of the Anti-Corruption Bureau, the ld Advocate General, and the Chief Secretary of the State.

**14.** During the pendency of these proceedings, the respondents have also made sufficient efforts to ensure that senior police officials are posted to the Bureau in time and to address its logistical, human resource and infrastructural needs.

**15.** The improvements on these counts have been set out in the written submissions filed by Mr Vibhor Mayank, learned A.C. to A.A.G.

**16.** We have taken due note of them. We expect that the progress made in the meantime will, in due course, translate into positive outcomes at the field level.

**17.** The subsequent affidavits on record also show reasonable progress in several old matters, with investigations concluding in final forms or closure reports.

**18.** The matter, however, took an important turn when the learned Amicus, by a supplementary affidavit dated 15.02.2024, informed this Court that the Bureau had kept several preliminary inquiries pending for years.

**19.** The learned Amicus drew our attention to Notification No. 1623 dated 07.08.2015, issued by the Cabinet Vigilance Department, Government of Jharkhand, which deals with the powers, duties, responsibilities and modalities of the Anti-Corruption Bureau.

**20.** Under Clause 21(4) (viii) of that Notification, a preliminary enquiry is to be completed within three months. An extension is permissible only with the approval of the Bureau Chief, and the Notification requires that such extension be reviewed at short intervals.

**21.** Having carefully perused the Notification and heard the learned Amicus at length, this Court, vide order dated 21.08.2025, directed the respondents to file a detailed supplementary counter-affidavit in response to the Amicus's supplementary affidavit dated 15.02.2024.

**22.** During the subsequent hearings, the respondents filed several supplementary affidavits on the pending preliminary inquiries before the Anti-Corruption Bureau, Ranchi.

**23.** The final updated status of the preliminary inquiries, as filed by the respondents, is reproduced below for the convenience of the parties:

<table>
<tr><th>Number pending PEs in present</th><th colspan="2">Out of 216 PEs, 43 are complete but are pending with the Cabinet/Cabinet Minister level for permission to file an FIR or for further orders</th><th>PEs pending with Bureau level for further enquiry</th></tr>
<tr><td rowspan="3">216</td><td>Prior to December, 2025</td><td>From December, 2025 to till date</td><td>Number of Pending PEs</td></tr>
<tr><td>23</td><td>20</td><td rowspan="2">173</td></tr>
<tr><td colspan="2">43</td></tr>
</table>

**24.** Upon reviewing the aforesaid statement, it is evident that a total of 216 preliminary inquiries are currently pending. More importantly, the detailed report reveals that several of these inquiries have remained pending for more than a decade.

**25.** The submission of the learned Amicus that the aforesaid data is truly astonishing is not without substance, particularly when a preliminary inquiry, in the ordinary course, is ordinarily required to be completed within three months.

**26.** At this stage, it is apposite to note that several interlocutory applications, being I.A. Nos. 3337 of 2026, 13018 of 2025, 14325 of 2025, 15473 of 2025 and 16550 of 2025 have been filed by several retired Government servants of the State of Jharkhand and other persons before this Court.

**27.** The intervenors have brought on record that, in their respective cases, preliminary inquiries were instituted long back and, despite the mandate contained in Notification No. 1623 dated 07.08.2015 issued by the Cabinet Vigilance Department,

Government of Jharkhand, the said inquiries continue to remain pending.

**28.** Accordingly, they have prayed that this Court direct the respondents to complete the said inquiries at the earliest and within a time-bound period.

**29.** Upon a careful perusal of the record and having heard the parties, the core question for determination is whether, in view of the Anti-Corruption Bureau's failure to adhere to Notification No. 1623 dated 07.08.2015, this Court can issue directions to make the statutory mechanism workable, including fixing a time-bound limit to conclude all pending preliminary inquiries.

**30.** Mr. Vibhor Mayank, learned A.C. to A.G., relying upon the judgment of the Hon'ble Supreme Court in **Vinay Tyagi v. Irshad Ali, (2013) 5 SCC 762** and **CBI v. Thommandru Hannah Vijayalakshmi, (2021) 18 SCC 135**, submitted that the scope of judicial superintendence over investigation is circumscribed and, consequently, a writ of mandamus cannot ordinarily be issued directing completion of an investigation or preliminary inquiry within a fixed time frame.

**31.** He further relied on the decisions of the Hon'ble Supreme Court in **Syed Ifitkhar Andrabi v. National Investigation Agency, 2026 INSC 503,** and **Allahabad High Court Bar Association v. State of U.P., (2024) 6 SCC 267**, to contend that Constitutional Courts ought to exercise restraint in prescribing time-bound schedules for the completion of investigations or proceedings.

**32.** Lastly, relying upon the decision in **P. Chidambaram Vs. Directorate of Enforcement, (2019) 9 SCC 24**, he submitted that, having regard to the complex nature of investigations involved in corruption and economic offences, this Court ought not to issue any writ circumscribing the period within which the inquiry or investigation is to be conducted.

**33.** Mr Mayank's submission, in substance, was that the aforesaid decisions lay down that a Court should not interfere with an investigation being conducted by the investigating agency, as such interference would amount to intruding upon its discretion and freedom to conduct the investigation in accordance with law.

**34.** Per contra, the learned Amicus submitted that the requirement of an expeditious investigation flows from the constitutional guarantee of a fair and reasonable procedure under Article 21 of the Constitution of India. The right to a speedy investigation and trial is an integral facet of fair procedure. The obligation of the investigating agency is, therefore, not merely to commence an inquiry, but to conduct and conclude it effectively, fairly and within a reasonable time.

**35.** She further submitted that, if such an inquiry is permitted to continue for several years, the distinction between a preliminary inquiry and a regular investigation would, in practical terms, become meaningless.

**36.** Lastly, she submitted that, in the light of the materials placed before this Court, what requires consideration is not merely the number of preliminary inquiries presently pending, but also the

age of each such inquiry, the date of its institution, the period for which it has remained pending, the extensions granted, the authority by whom such extensions were granted, the reasons recorded for such extensions, and the present stage of each inquiry. According to the learned Amicus, all these parameters are relevant for the adjudication of the present Public Interest Litigation.

**37.** In the light of her aforesaid submissions and relying upon the judgment of the Hon'ble Supreme Court in **Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1,** she submitted that some effective directions may be issued by this Court to ensure that the pending preliminary inquiries are disposed of within a reasonable period.

**38.** Before we proceed to evaluate the rival submissions advanced on behalf of the parties, it is apposite to note that a Division Bench of this Court, in **Paras Kumar v. The State of Jharkhand, (L.P.A. No. 40 of 2019)** has observed that the timeframe of three months stipulated in Clause 21(4)(viii) of Notification No. 1623, dated 07.08.2015, issued by the Cabinet Vigilance Department, Government of Jharkhand, carries no statutory consequence of nullity upon non-compliance, and is therefore directory in nature.

**39.** In the present proceedings, we are not called upon to revisit the above position. Our focus remains centred on the systemic non-compliance with the Notification, both in letter and in spirit and whether judicial intervention in the form of procedural directions is required to ensure that the mechanism established therein is

given its full intent and purpose. Besides, the position that the timeline set out in Clause 21(4)(viii) of Notification No. 1623, dated 07.08.2015, is not mandatory, does not imply that it is always to be observed only in breach or ignored with impunity without proper justification, or worse still, for some extraneous considerations.

**40.** The decision in **Vinay Tyagi (Supra)** dealt with the fine distinction between “further investigation” and “reinvestigation,” holding that the power to order reinvestigation is restricted exclusively to Constitutional Courts. In **Thommandru Hannah Vijayalakshmi (Supra)**, the Hon’ble Supreme Court reiterated that the law does not require a preliminary inquiry in every case, in line with the dictum in **Lalita Kumari (Supra)**.

**41.** Further, the decisions in **Syed Iftikhar Andrabi (Supra)** and **Allahabad High Court Bar Association (Supra)** strictly concern the powers of Constitutional Courts to issue time-bound directions to conclude trial proceedings before the district courts. These decisions concern directions issued to District Courts to complete judicial proceedings and recognise that exceptional circumstances may justify such directions. However, the present case concerns the implementation of an existing administrative mechanism governing Preliminary Enquiries within the Anti-Corruption Bureau.

**42.** Lastly, the dictum in **P. Chidambaram (supra)** reaffirms the settled principle that the investigating agency must ordinarily be permitted to determine the course and manner of its

investigation, so long as the investigation is conducted in accordance with law.

**43.** Accordingly, in our considered view, none of these precedents assists the respondents in answering the primary question before us.

**44.** What gravely concerns this Court is the fate of preliminary inquiries initiated by the Anti-Corruption Bureau to ascertain whether the information discloses the commission of a cognisable offence warranting the registration of an F.I.R.

**45.** Such unreasonable and inordinate delays, firstly, seriously impair the administration of the criminal justice system because very often the perpetrators of serious crimes escape, and secondly, such delays impinge upon the fundamental right to speedy justice guaranteed under Article 21 of the Constitution of India **(See: Hussainara Khatoon, (1980) 1 SCC 81).**

**46.** Furthermore, this constitutional guarantee does not remain dormant during the pre-trial phase; it commences and operates across every stage, be it investigation, inquiry, trial, appeal, or revision, so that the prejudice stemming from unexcused and avoidable delays may be averted **(See: Abdul Rehman Antulay & Ors. v. R.S. Nayak & Anr., (1992) 1 SCC 225).**

**47.** While we are mindful that the Constitution Bench of the Hon'ble Supreme Court, in **P. Ramachandra Rao v. State of Karnataka, (2002) 4 SCC 578**, held that courts ought not to prescribe rigid outer limits whose expiration automatically terminates or quashes a proceeding, however, at the same time, that decision cannot be

construed as a license for the State to assert that, in the absence of a statutory limit under the Prevention of Corruption Act, a preliminary inquiry can be kept alive indefinitely at the whim of the Bureau.

**48.** Applying these principles, the scope of Article 21 cannot be confined to a formal trial; it extends beyond the court precinct to encompass the preliminary police investigation preceding a formal trial. A Preliminary Enquiry kept pending indefinitely subjects the person concerned to prolonged uncertainty and may affect his service career, vigilance clearance, and reputation.

**49.** The timelines prescribed under the governing regulations make the present delay even more unjustifiable. Clause 21(4)(viii) of Notification No. 1623 dated 07.08.2015 explicitly prescribes that a preliminary inquiry be completed within three months, providing that any extension may be granted solely by the Bureau Chief subject to periodic reviews at short intervals.

**50.** Though the timeline set out in the State government's notification may not be mandatory, still we cannot ignore its twin objectives. First, to determine whether a case warrants investigation or further investigation, and to launch a prosecution so that those involved are brought to book. Second, to comply with the mandate of speedy justice so that a Damocles' sword is not kept hanging over a suspect's head for some inordinate and indefinite duration.

**51.** Further, the fact that a provision may not be mandatory is not a license to breach it with impunity or ignore it altogether without

any rhyme or reason. It means that, in a given case, if there is no compliance for valid and justifiable reasons, later compliance would not be ultra vires or otherwise vitiated solely for non-adherence to the timeline fixed by such a provision.

**52.** The record before us reveals a stark reality: several preliminary inquiries have remained pending for over a decade, far exceeding the three-month period contemplated under the Notification. This delay has occurred without a single short-interval extension review or any extraordinary reason shown to justify it. At least the records disclosed to us did not contain or refer to any extension orders.

**53.** Of the 216 pending inquiries, 43 are fully completed and await formal sanction or further orders at the level of the Cabinet or the Cabinet Minister, with 23 of these completed files languishing since before December 2025. The remaining 173 inquiries are still pending at the inquiry stage with the Bureau.

**54.** A preliminary inquiry that neither culminates in an F.I.R. nor reaches a formal closure inflicts serious harm without even affording the individual the procedural safeguards of a formal charge or a court trial. Such inordinate delays frustrate the objective of bringing those involved in corruption to book. Besides, the prejudice caused to individuals subjected to such endless inquiries is neither speculative nor imaginary; it is real and substantial.

**55.** Although we are not adjudicating on the individual merits of each of the 216 pending inquiries in these proceedings, the situation

reflected in the record cannot be ignored. The allegations of corruption cannot be allowed to pass without proper investigation, as this will embolden corrupt officials.

**56.** The constitutional mandate of speedy justice must apply to both the public affected by corruption and the officials suspected of involvement. If such enquiries or investigations linger for unreasonably long periods, this constitutional mandate of speedy justice would be frustrated. The public interest in curbing corruption and bringing those involved to book must be balanced with the individual interest in a speedy conclusion of investigations, one way or the other.

**57.** The constitutional right to a speedy trial inevitably encompasses the right to a speedy inquiry. Where a Preliminary Enquiry has remained pending for an inordinate period without adequate explanation, the constitutional requirement of fairness and reasonableness under Art. 21 of our Constitution empowers this Court to examine whether the delay is justified and whether appropriate supervisory directions are necessary to secure a timely decision.

**58.** In this case, the Notification dated 07.08.2015 itself provides a clear framework: an inquiry is to be completed within three months; extensions lie exclusively with the Bureau Chief, subject to periodic review; and the party concerned must be heard before an inquiry is converted into a criminal case. While the timelines may not be mandatory, they are not intended to be breached with impunity unless there are justifiable reasons. Here the delays

range between five and ten years, and no justification is even attempted.

**59.** In such peculiar circumstances, consistent with the Notification dated 07.08.2015 issued by the State Government itself, and the constitutional mandate of speedy justice, we dispose of this petition by issuing the following directions:

I. *A preliminary enquiry shall ordinarily be completed within three months, as the Notification provides. Where the Bureau Chief grants an extension, the enquiry shall preferably be completed within six months from the date it was opened. If it is to go beyond six months, the Bureau Chief shall record reasons in writing, specify the further period and review the extension at short intervals.*

II. *The reasons for extension shall be recorded on the enquiry file and shall be available for scrutiny by the competent authority and, where the person concerned is subsequently afforded an opportunity of hearing under Clause 21(4)(v), shall also be disclosed to him to the extent permissible in law.*

III. *Where a completed enquiry is submitted to the competent authority, including the Cabinet or the Cabinet Vigilance Department, for permission to register an F.I.R. or for any other order, the authority shall decide within three months of receipt. A further period of one month may be taken only for reasons recorded in writing.*

IV. *The enquiries already pending shall be dealt with on the same terms, with time running from today. Enquiries pending at the Bureau shall be completed within six months, with no extension beyond that except for reasons recorded by the Bureau Chief as above.*

V. *The competent authority, including the Cabinet or the Cabinet Vigilance Department, shall, within three months from the date of this judgment, with one further month for reasons recorded in writing, decide on the further course of action on Enquiries that are complete and await permission or approvals.*

VI. *The Director General, Anti-Corruption Bureau, shall file a status report before this Court on the expiry of six months from the date of this judgment. For each pending enquiry, the report shall state the date on which the Preliminary Enquiry was instituted, whether it has been completed or not, whether it has been submitted for orders or not, and whether the competent authority has permitted registration of an F.I.R., directed closure or passed any other order.*

**60.** The Petition is disposed of in the above terms, without any order for costs.

**61.** The intervenors seek to advance their personal grievances. In our view, that would transgress the scope of these proceedings. Nevertheless, we have heard the learned counsel for the intervenors on the broader issues involved in this matter, as they

represented some officials against whom preliminary enquiries were alleged to be pending, even though those officials had already retired from service. Pending Interlocutory Applications, if any, do not survive and are disposed of.

**62.** Within 15 days of its upload, a copy of this judgment must be communicated to the Chief Secretary, Government of Jharkhand, the Home Secretary, Government of Jharkhand and the Director General, Anti-Corruption Bureau, for information and compliance. The registry must ensure that the information supplied by the State in a sealed cover remains sealed and is not disclosed to any party without the express leave of the Court.

**63.** We place on record our appreciation of the assistance rendered by the learned *Amicus Curiae*, Mrs Ritu Kumar, and by Mr Rohitashya Roy, learned A.G. with Mr Vibhor Mayank, learned A.C. to A.G. for the State.

**64.** We conclude with the earnest hope that the compliances will continue and that the pending inquiries will now be taken to their logical conclusion.

**(M. S. Sonak, C.J.)**

**(Manoj Prasad, J.)**

**October 06, 2026**

A.F.R.

APK/VK

Uploaded on 06.10.2026