

Jharkhand Against Corruption T Vs. State of Jharkhand and ors

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Court : Jharkhand

Decided On : Sep-19-2013

Appellant : Jharkhand Against Corruption T

Respondent : State of Jharkhand and ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI I.A. No. 6928 of 2013 with W.P .(PIL) No. 687 of 2012 Jharkhand Against Corruption Petitioner Versus The State of Jharkhand & Others Respondents CORAM: HONBLE THE ACTING CHIEF JUSTICE HONBLE MR. JUSTICE AMITAV KUMAR GUPTA For the Petitioner : Mr. Rajiv Kumar, Advocate For the CBI : Mr Md. Mokhtar Khan, ASGI For the State : Mr. Anil Kumar, J.C. to A.G. For Respondent No.11: M/s Pandey Neeraj Rai, Soumya S. Pandey, Advocates For Respondent No.12: M/s Rajiv Ranjan, Ashok Kr. Yadav, Advocates 12/Dated: 19 th September, 2013 Oral order: Per D.N. Patel, J.:

1. Counsel appearing for the petitioner after going through the counter affidavits and also after hearing respondent no.12, who is applicant in I.A. No. 6928 of 2013, seeks permission to delete respondent no. 12 from the array of the respondents.
2. Permission, as prayed for, is granted. Accordingly, the interlocutory application being I.A. No. 6928 of 2013 is allowed and disposed of.

3. Counsel for the petitioner is permitted to delete respondent no. 12 from the array of the respondents and the names of other respondents shall be renumbered accordingly. Necessary amendments shall be carried out in red ink during course of the day.

4. Counsel for the petitioner further submitted that there are several allegations against respondent no. 11. The report of the Deputy Commissioner has also been pointed out before this Court along with various annexures annexed with this writ petition and the subsequent affidavits filed by the parties and it is submitted that let the matter be investigated by the Central Bureau of Investigation under Delhi Special Police Establishment Act, 1946.

5. Counsel for the State submitted that in pursuance of several allegations and the reports etc. adequate action has already been taken against respondent no. 11. Respondent no. 11 is facing criminal charges and he has been dismissed from the services of the respondents State of Jharkhand. Moreover, in criminal cases chargesheets have also been filed after proper investigation under Section 173 of the Code Criminal Procedure, 1973. The concerned trial court is in seisin with the matter and hence, if the petitioner is seeking further investigation then there are other Sections like 173(8) and 319 of the Code of Criminal Procedure, 1973 and thus, at this stage, this petition may not be entertained by this Court. 6. Counsel for respondent no. 11 has adopted arguments canvassed by the State counsel and has also pointed out that respondent no. 11 is in jail and has been dismissed from the services of the State and chargesheets have also been filed before the competent trial courts after thorough investigation of the criminal charges and hence, this matter may not be entertained at this stage. 7. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that for the allegations levelled against respondent no. 11, already departmental action has been initiated by the State of Jharkhand and respondent no. 11 has been dismissed from the services of the State of Jharkhand. So far as criminal charges levelled against respondent no. 11 are concerned, investigation has been carried out by the concerned police, resulting into filing of the reports under Section 173 of the Code of Criminal Procedure and respondent no. 11 is at present under judicial custody. 8. Looking to the facts and circumstances of the

case, it further appears that the concerned trial court is in seisin with the allegations in the charge sheet against respondent no. 11 and under Subsection (8) of Section 173 of the Code of Criminal Procedure petitioner can approach for further investigation before appropriate authority as per Code of Criminal Procedure. There is also one more stage for joining of accused, as stated by the counsel for the State. 9. In these sets of circumstances, we see no reason to entertain this Public Interest Litigation at this stage. Hence, the same is dismissed. (D.N. Patel, A.C.J.) (Amitav Kumar Gupta, J.) VK/

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