

Jharkhand Against Corruption Through Its President Durga Oraon Alias Munda Vs. Chief Secretary

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Court : Jharkhand

Decided On : Apr-15-2013

Appellant : Jharkhand Against Corruption Through Its President Durga Oraon Alias Munda

Respondent : Chief Secretary

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI ---- W.P. (PIL) No. 89 of 2013 ---- Jharkhand Against Corruption ... Petitioner Versus The State of Jharkhand & Ors. ... Respondents --- CORAM : HON'BLE THE CHIEF JUSTICE HON'BLE MRS. JUSTICE JAYA ROY ----- For the Petitioner : Mr. Rajeev Kumar, Advocate. For the State : Mr.M.S.Anwar, Advocate General. For the C.B.I : Mr. Md. Mokhtar Khan, Advocate ----- Order No. 08 Dated :

15. h April, 2013 Learned counsel for the C.B.I submitted fresh status report which we, after perusal in Court, are returning to the learned counsel for the petitioner for keeping it safe and maintain the secrecy also. Learned counsel for the petitioner vehemently submitted that C.B.I., in the month of January 2013, projected that investigation is complete and this fact has been taken note of by this Court. Today, in the month of April 2013, the stand of the C.B.I is that C.B.I. is yet engaged in investigation only. It was also projected that C.B.I. is going to seek sanction for prosecution from the competent authority, if necessary. However, till today, since

investigation is not complete, then there arises no question of obtaining the sanction for prosecution of any person from the competent authority. Learned counsel for the petitioner has apprehension that this time is deliberately taken to delay the investigation. It is also submitted that even one of the accused got bail from the trial Court in such serious matter. Be that as it may, this Court has already entertained this Public Interest Litigation as back as on 05.01.2013. After entertaining this petition more than four months time has already been passed. The progress which was shown on earlier occasion was found to be satisfactory but subsequent to it, the progress appears to be slow. We may remind the C.B.I. that this Court in another litigation and that too in relation to the same allegation of horse trading when investigation was not found satisfactory from the State agency, the matter was handed over to the C.B.I. with further direction to the C.B.I. to investigate whether delay in investigation in that matter was due to involvement of the Investigating Officer who may be holding higher post even in the State investigative wing. Therefore, looking to the serious allegation, it is expected that more serious efforts be made by the C.B.I. However, we are making it clear that C.B.I. should not feel influenced in favour or in against of any of the person and the investigation should be absolutely fair. Learned counsel for the C.B.I. assured that C.B.I. will take the steps and will see that final conclusion be reached and next steps be taken without any further delay. It is submitted that some queries were raised by the Head Office which have been replied and now the matter is likely to be brought before the competent authority for appropriate next steps. For other issue regarding arrest of one accused in another criminal case in continuation of our orders already passed with respect to the efforts made by the State Government for arrest of the accused who is a public figure, we are constrained to observe that we are not satisfied with the efforts made by the investigating agency in the matter of arrest of accused which, according to the investigating agency, is essential. In view of the above reasons, we are granting one more opportunity to the respondents to proceed in the matter and in case, accused is not arrested by or before 06.05.2013, the Director General of Police as well as the Home Secretary of the State of Jharkhand shall remain present in Court. Put up this matter on 06.05.2013. Copy of the order be given to the counsel for the State and also to the counsel for the C.B.I. (Prakash Tatia, C.J.) (Jaya Roy, J.) Biswas/Si

