

ITEM NO.7

COURT NO.13

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).2870/2011

(From the judgement and order dated 05/01/2011 in CRLM No.
16018/2010 of The HIGH COURT OF PATNA)

RAMESH KUMAR Petitioner(s)

VERSUS

STATE OF BIHAR TR.VIGILENCE Respondent(s)

(With appln(s) for ex-Parte stay,exemption from filing O.T.)

Date: 18/04/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)
Mr. Amit Pawan,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

This Court has heard the learned counsel for
the petitioner. From the record it is evident that
Vigilence Case No. 69/2007 was registered on
30.5.2007 against the petitioner and another under
Sections 7, 13(2) read with Section 13(1)(d) of the
Prevention of Corruption Act, 1988. The record also
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shows that till the date the trial Court has not
been able to frame charge in the matter and the
only reason is that the petitioner by this time has
filed seven applications one after another
demanding documents from the prosecution. In the
order dated 8.4.2010 the trial court has held as
under :-

"Perused the case record. Its perusal transpires all the relevant police papers including the statements of all the prosecution witnesses, the prosecution relies upon, have been supplied on 7.11.09 as per order of this court dt. 9.10.09, against some left documents on 4.12.09 as per order of this Court dt. 4.12.09, also on 19.1.10 directly received by accused Ramesh Kumar who also received the copies of the documents in 535 pages called from the vigilance P.S. which were received by his aforesaid lawyer on 26.3.10. Bare reading the contents of the present petition clearly indicates the conduct of the petitioner who intentionally wants to delay the trial of the case by asking mostly non-existent documents or some unwarranted ones in this case, because all the relevant police papers concerning the alleged allegations against the petitioner have already been supplied."

This order of the trial court is upheld by
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the High Court vide impugned judgment giving rise to the instant petition.

In view of the observations made by the trial court, which have been quoted above, this Court is of the opinion that the High Court was justified in dismissing the petition which was filed by the petitioner under Section 482 of the Code.

Having regard to the facts of the case, the trial court is directed not to entertain any application filed by the petitioner for supply of any document and proceed with the trial on merits of the matter immediately.

Subject to above direction, the special leave petition stands disposed of.

(Sonia)
Sr P.A.

(Sneh Bala Mehra)
Court Master