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(2011) 02 JH CK 0035

Jharkhand High Court

Case No: Criminal Revision No. 1165 of 2010

Om Prakash Singh	APPELLANT
Vs	
The State of Jharkhand	RESPONDENT

Date of Decision: Feb. 15, 2011

Acts Referred:

- Prevention of Corruption Act, 1988 - Section 17

Citation: (2011) 02 JH CK 0035

Hon'ble Judges: Jaya Roy, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Jaya Roy, J.
Petitioner has filed this criminal revision application against the order dated 05.10.2010 whereby, the Special Judge, C.B.I has rejected the discharge petition filed by the Petitioner.

2. Learned Counsel appearing on behalf of the Petitioner at the very outset submits that the inspector of Police, C.B.I has no authority to investigate the matter and submit the charge-sheet according to Section 17(c) of the P.C. Act 1988. Secondly, counsel on behalf of the Petitioner has argued that the Petitioner is not the competent person to sanction the leave of the complainant as he is only a dealing clerk in his department. Thirdly, he has argued that the money which has been recovered from the possession of the Petitioner, is not the alleged bribe money.

3. Mr. Khan, learned Counsel appearing for the C.B.I in support of his contention, cited a decision of the Hon''ble Apex Court in the case of State by Central Bureau of Investigation v. S. Bangarappa reported in 2001 SCC 152 where it is held:

Even when the investigation was conducted by CBI the requirement contained in Clause (c) of Section 17 of the Act has to be followed cannot be accepted. The word "elsewhere"

in that clause is a clear indication that the insistence for Deputy Superintendent of Police can have application only if it does not fall under Clauses (a) and (b).

4. Therefore, the first point raised by him is not tenable in the instant case as the investigation has been done and charge-sheet has been submitted by the Inspector of Police , C.B.I, ACB, Dhanbad.

5. Mr. Khan, learned Counsel for the C.B.I has further pointed out that it has come in the impugned order dated 05.10.2010 that the Petitioner namely Om Prakash Singh has admitted and accepted the bribe money of Rs. 1,000/-(one thousand) from the complainant and the said money was recovered from his left pocket of wearing ''kurta'' and he was caught red handed in his office room while he was posted as leave clerk on 18th January 2010.

6. Considering the submissions made by both the parties and also considering the impugned order , I do not find any illegality in the order impugned. Accordingly, this revision application is, hereby, dismissed.