

Jai Prakash Singh Vs The State of Bihar and Others

Court: Patna High Court

Date of Decision: July 10, 2008

Acts Referred: Penal Code, 1860 (IPC) – Section 406, 409, 420

Citation: (2009) 1 PLJR 226

Hon'ble Judges: R.M. Lodha, C.J; Ghanshyam Prasad, J

Bench: Division Bench

Advocate: Nikhilesh Kumar, for the Appellant;

Final Decision: Dismissed

Judgement

1. That the appellant has been arraigned as an accused in a First Information Report for the offences punishable under Sections 406, 409 and 420

of the Indian Penal Code, is not in dispute. That the investigation of the said offence is still going on, is also not in dispute. The order of suspension,

read in the backdrop of these facts, leaves no manner of doubt that the suspension of the appellant is relatable to Rule 9(1)(c) of the Bihar

Government Servants (Classification, Control and Appeal) Rules, 2005 and Rule 9(7) has no application. In the circumstances, dismissal of the

writ petition by the Single Judge cannot be faulted.

2. L.P.A. has no merit. It is dismissed in limine.