

GAHC010236982023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : Crl.Pet./1137/2023**

DR. JAHER ALI  
S/O LATE LALCHAN MIAH  
R/O VILL- SONPURA, P.O. JANIA  
PS. KALGACHIA  
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM  
TO BE REP. BY THE PP, ASSAM

**Advocate for the Petitioner : DR. B AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**Date : 17-10-2023**

Heard Mr. P.K. Roy Choudhury, learned counsel for the petitioner. Also heard Ms. S H Bora, learned Addl. PP, Assam.

This is an application under section 482 Code of the Criminal Procedure, 1973 praying for quashing the name of the petitioner from

the impugned supplementary charge sheet being Charge Sheet No.322/2022 submitted on 06.05.2023 in connection with GR Case No.1994/2022 arising out of Barpeta PS Case No.1058/2022 registered under sections 120(B)/468/471/420/417 IPC pending before the learned court of Judicial Magistrate 1<sup>st</sup> Class.

The basic ground for seeking such quashment is that the petitioner is no way involved in the aforesaid case. The aforesaid Barpeta PS Case was registered on the basis of an FIR lodged by one Biswajit Nath, Sub Inspector alleging that there is a scam in granting merit scholarship under the Ishan Udai, Merit cum Means (MCM) and Pre-Matric Scholarship scheme through National Scholarship Portal (NSP) and it was alleged that many scholarship has been released in the name of fake students.

In the aforesaid case the petitioner was arrested and subsequently released on bail. He is a Principal of Uttar Barpeta College. Referring to Annexure -9, the learned counsel submits that the petitioner has sought for a clarification from the University Grants Commission (UGC) whether any scholarship has been released so far the same relates to Uttar Barpeta College.

According to Mr. Roy Choudhury, referring to Annexure – 10 submits that the UGC has granted a clarification that no scholarship has been granted by the Uttar Barpeta College. On the basis of such submission the learned counsel has sought for quashing of the charge sheet.

While during the course of argument, Mr. Roy Choudhury learned counsel for the petitioner relying on a decision of the Hon'ble

Apex Court in the case of ***Kishan Lal Vs. Dharmendra Bafna and Another*** reported in ***(2009) 7 SCC 685*** submits that in view of the aforesaid, further investigation is required and this court should direct for a further investigation in the case. However, it is an admitted position that that the petitioner has not approached the learned trial Court for such further investigation and straight away made such a submission.

In that view of the matter, this court is of the opinion that only on the basis of documents submitted as annexure along with the present petition stated to be a clarification from the UGC, this court cannot quash a criminal proceeding wherein after investigation charge sheet has been filed. However, the Magistrate shall be at liberty for further investigation in terms of sub-section 8 of section 173 Cr.P.C., if certain new materials are brought to the notice of the Court.

In view of the aforesaid reason this court is not inclined to entertain the present application. Accordingly the same stands dismissed. However, the petitioner shall be at liberty to approach the learned trial court and avail the remedy permissible under law including the prayer for further investigation.

In the event of such application being filed, the learned court shall pass necessary order permissible under law.

**JUDGE**