

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23323 of 2011

Arising Out of PS.Case No. 87 , Year 2001, Thana Thakurganj, District- KISANGANJ

=====

Maqsood Alam, son of late Abdul Wahab, resident of Mohalla Math Lakshmanpur,
Kori Tola, P.O. Gulzarbagh, P.S. Alamganj, Distt. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Md. Abu Haidar, Adv.

For the State : Mr. Amitesh Kumar, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-03-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 24.1.2011 passed by the Chief Judicial Magistrate, Kishanganj, in G.R. No. 462 of 2001 arising out of Thakurganj P.S. Case No. 87 of 2001.

The case of the Anchal Adhikari, Thakurganj, is that an enquiry was made with regard to Indira Awas Yojana Scheme in which it was found that the scheme had not been implemented well by the Beneficiaries. In some of the houses, the work was incomplete and in some of the houses, the windows were missing and still other water connection was not there. It was suspected that the money had been defalcated.

It has been submitted on behalf of the Petitioner that he

was not named in the First Information Report and in the 7th charge sheet, he was sent up as an accused on the ground that he was also a Circle Officer at that point in time.

The case diary was called for to verify the nature of allegation against the Petitioner. It is found that apart from vague statement that the beneficiaries have misused the funds, there is no cogent material against any of the accused persons.

In such a situation, evidently, the Prosecution would be completely baseless and it would be in the interest of justice that the entire Prosecution be quashed.

Hence, the application stands allowed and the order dated 24.1.2011 passed by the Chief Judicial Magistrate, Kishanganj, in G.R. No. 462 of 2001 arising out of Thakurganj P.S. Case No. 87 of 2001 against all the accused persons is, hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

U		T	
---	--	---	--