

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28235 of 2013

Arising Out of PS.Case No. -226 Year- 2012 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

Jawahar Prasad Singh, S/o Late Nikhil Singh, Resident of Village-Falhanwan, P.S.-
Harnaut, District-Nalanda. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Uday Chandra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-05-2015

The present application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 11.04.2013 passed by the learned Chief Judicial Magistrate, Nalanda at Biharsharif in Harnaut P.S. Case No. 226 of 2012 whereby the learned Chief Judicial Magistrate has taken cognizance against the petitioner finding a prima facie case to be made out for the offence punishable under Sections 467, 468, 471, 472, 419 and 420 of the Indian Penal Code.

The prosecution case in short is that in the year 1974 when the petitioner was functioning in the capacity of Headmaster of Middle School, Falhanwan, he granted a forged and fake transfer

certificate to co-accused Raj Kumar Singh.

The police investigated the case and finding the allegations to be true, submitted a report under Section 173(2) of the Code of Criminal Procedure before the learned Chief Judicial Magistrate, Bihar Sharif.

It would appear from the perusal of the impugned order dated 11.4.2014 that the learned Chief Judicial Magistrate has taken into consideration the allegations made in the first information report, the materials collected in course of investigation and the police report submitted under Section 173(2) of the Code of Criminal Procedure for taking cognizance against the petitioner.

Regard being had to the facts and circumstances of the case, I find no illegality in the order passed by the court below. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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