

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 10222 of 2013

Arising Out of PS.Case No. -50 Year- 2011 Thana -PATLIPUTRA District- -

Niraj Ranjan S/O Sri Ram Ekbal Ojha R/O Vill-Sikandarpur, P.S.Townanddistt-Muzaffarpur, At Present Residing At 305, Saraswati Niketan, I.A.S.Colony, Kidwaipuri, P.S.-Kotwali, Distt-Patna

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-10-2015

The petitioner seeks quashing of the order of cognizance dated 18.08.2012 passed by the Chief Judicial Magistrate, Patna in Patliputra P.S. Case No. 50 of 2011.

The background fact is that a first information report was instituted for some misdeeds of Muskan Project committed by the named accused persons. During course of investigation it transpired that the Petitioner being chartered accountant had audited the accounts of the project for the year 2008-09. The investigating agency opined that since the petitioner had not brought to light the facts of irregularity he was also in conspiracy with the co-accused.

It has been submitted on behalf of the petitioner that if any fraud was committed during the audit the same was subject to

screening by the income tax department and till date no objection has been raised. The investigating officer's opinion is not based on any expert understanding of the procedure and hence he should not be put on trial.

Learned counsel for the state has gone through the case diary. He submits that apart from the statement made in Para 148 wherein it has been highlighted that the petitioner audited the accounts of the company for the year 2008-09 and had committed irregularity in doing so there is no further material against him.

Having considered the aforesaid materials which reveals no complicity of the petitioner in his personal capacity by auditing the accounts of the project for the year 2008-09, the application is allowed and the order of cognizance dated 18.08.2012 passed by the Chief Judicial Magistrate, Patna in Patliputra P.S. Case No. 50 of 2011 so far as the petitioner is concerned, is hereby set aside.

Let the case diary be remitted to the Court below immediately.

(Anjana Prakash, J)

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