

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32646 of 2012

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Tribeni Prasad Sharma, son of Late Naimchu Prasad Sharma, resident of
village and P.O. makduma, P.S. Amapur, District Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan
Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Matloob Rab (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 09-04-2015 Heard Sri Rajendra Narayan, learned senior counsel,

who was assisted by Sri Vijay Shankar Shrivastava, learned

counsel for the petitioner and Mr. Matloob Rab, learned A.P.P.

The petitioner, invoking inherent jurisdiction of this
court under Section 482 of the Code of Criminal Procedure, has
prayed for quashing of an order dated 3.4.2012, passed in Araria
P.S. Case No.283 of 2010. By the said order learned Chief
Judicial Magistrate , Araria, has taken cognizance of offences
under Section 409, 406, 420, 467, 468, 120B of the Indian Penal
Code.

Sri Narayan, learned senior counsel, assailing the order
of cognizance submits that the petitioner was neither named in the
F.I.R. nor during investigation even iota of evidence was
collected showing involvement of the petitioner, even then,

Police submitted charge sheet against the petitioner and the learned Magistrate in a perfunctory manner has passed the order of cognizance.

Learned senior counsel for the petitioner repeatedly insisted that in the case diary there is nothing, however, he accepts that in the present case more than Crores of public money was misappropriated. However, according to learned senior counsel for the petitioner there is no material to show involvement of the petitioner. He accepts that in the present case F.I.R. was lodged against the District Magistrate, D.D.C. etc.

On perusal of the order of cognizance, apparently the court does not find any error warranting interference with the same. Since charge sheet was already submitted in which petitioner was forwarded as an accused, I do not find any defect in passing the order of cognizance by the learned Magistrate accepting the police report.

The petition stands dismissed.

(Rakesh Kumar, J)

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