

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37107 of 2012

Arising Out of PS.Case No. -97 Year- 2008 Thana -Kharik District- BHAGALPUR

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Yogendra Jha, son of Late Sachida Nand Jha, Resident of Village- Narainpur, P.S.-
Bharmipur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Pd. Sinha, Advocate
Mr. Anant Kishore Lal Das, Advocate
For the Opposite Party/s : Ms. Saheen Begum, A.P.P.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-05-2015

The petitioner worked as a Manager of the Primary Agriculture Credit Cooperative Society (for short, 'the Society') in the Bhagalpur District. He retired from service on 16.02.2008. The Incharge Manager of the Society filed a complaint on 6.09.2008 in the Naugachhia Kharik Police Station alleging that the petitioner did not hand over the record of the society, even after the retirement, and on account of the same, the affairs of the Society are adversely affected. The same was registered as Kharik Police Station Case No.97 of 2008 alleging offence punishable under Section 409 of the Indian Penal Code.

This petition is filed, with a prayer to quash the order dated 31.07.2012 passed by the Judicial Magistrate 1st Class, Naugachhiya, in G.R. No.1041 of 2008, through which the petition

filed by the petitioner under Section 239 of the Code of Criminal Procedure, was rejected.

Heard Sri Nand Kishore Pd. Sinha, learned counsel for the petitioner and Ms. Saheen Begum, learned Additional Public Prosecutor for the State.

A serious effort is made before this Court to impress that it is the petitioner who made a complaint against the former President in the year 1997, and that led to initiation of a criminal proceeding, and since the records are attached to that case, there was absolutely no basis for making complaint against him.

Annexure-2 is the complaint submitted by the petitioner, way back in the year 1997, and the same is said to have resulted in filing of the complaint against the President. The present complaint against the petitioner was made in the year 2008. The allegations in both the sets of proceedings are substantially different.

This Court is not inclined to interfere with the order dated 31.07.2012 passed by the learned Judicial Magistrate, Naughachhiya in G.R. No.1041 of 2008. The petition is dismissed.

(L. Narasimha Reddy, CJ)

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