

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 35138 of 2011

Arising out of P.S. Case No. -123 Year- 1999l Thana -
Bhagwanpur District- BEGUSARAI

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Krishna Mohan Prasad Singh S/o Mahendra Narain Singh R/o
Village - Ektara, P.S. Arer, Distt. Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.

For the Opposite Party/s : Mr. R.B. Roy "Raman" APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-02-2015

The Petitioner seeks quashing of the order of non-discharge dated 10.08.2011 passed by the Judicial Magistrate, 1st Class, Begusarai in Bhagwanpur P.S. Case No. 123 of 1999 (G.R. No. 2802 of 1999, Tr. No. 1423 of 2010).

The case of the Informant is that on 28.11.1999 there was a scheme in 1989-90 with regard to afforestation in Manipur Chowk to Mokhityarpur, Block Bhagwanpur, District- Begusarai which was not carried out as specified. The Petitioner who happened to be the Assistant Engineer at that point in time had granted technical sanction of the scheme.

The submission is that the Petitioner was merely the technical sanctioning authority and he had no role in the implementation of the scheme.

The case diary was called for to ascertain the nature of

material which had transpired against the Petitioner and it appears that apart from the material that he had granted sanction of the scheme there is nothing cogent with regard to complicity of the Petitioner.

Evidently, in such circumstances, the trial with regard to Petitioner would be a nullity and, hence, the application is allowed and the proceeding as against the Petitioner including the order of non-discharge dated 10.08.2011 passed by the Judicial Magistrate, 1st Class, Begusarai in Bhagwanpur P.S. Case No. 123 of 1999 (G.R. No. 2802 of 1999, Tr. No. 1423 of 2010) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

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