

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22800 of 2012

Arising Out of PS.Case No. -9 Year- 2011 Thana –Hussainganj District- SIWAN

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Anish Fatma, W/O Md. Naseem Ahmad, R/O Village - Harihans, Police Station - Hussainganj, District - Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. R.B.Roy Raman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-03-2015

The Petitioner seeks quashing of the order of cognizance dated 05.08.2011 passed by the Chief Judicial Magistrate, Siwan in Husainganj P.S. Case No. 09 of 2011.

The case of the informant is that while the petitioner was the Secretary of School Siksha Samiti an amount of Rs. 1,62,563 was sanctioned for construction of a boundary wall in the year 2006-2007 for which advance of Rs. 1,00,000/- was given to the husband of the petitioner but he did not execute the work.

It has been submitted on behalf of the petitioners that it was on account of unforeseen circumstances that the work could not be executed and after the First Information Report was instituted, the

husband of the petitioner, who was the executor deposited a sum of Rs. 1,00,000/-. This fact is being confirmed in the case diary.

Considering the aforesaid, the proceeding including the order dated 05.08.2011 passed by the Chief Judicial Magistrate, Siwan in Hussainganj P.S. Case No. 09 of 2011 is, hereby, set aside.

However, the money so deposited by the husband of the petitioner shall not be returned to him.

The Application stands allowed.

(Anjana Prakash, J.)

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