

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7271 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- SAMASTIPUR

- =====
1. Uday Lal @ Uday Shankar Prasad, S/O Late Jageshwar Lal, Assistant, Rosera Nagar Panchayat. at present resident of mohalla- Dagwar Toli, Ward No.-12, P.S.- Rosera, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sukhsagar Devi, W/O Sri Dinesh Nayak, Rosera Nagar Panchayat Shahri Rojgar Yojna, Secretary, At present resident of Ward-2, Nayak Toli, P.S.- Rosera, District- Samastipur

.... Opposite Party/s

With

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Criminal Miscellaneous No. 7644 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- SAMASTIPUR

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1. Ajit Kumar Purve, S/O Late Narayan Purve, retired Head Assistant, Rosera Nagar Panchayat, at present resident of Moh-Panjiyar Toli, Ward No.11, P.S. Rosera, Distt-Samastipur
 2. Rameshwar Purve, S/O Sri Dev Narayan Purve, retired Assistant, Rosera Nagar Panchayat, at present resident of Moh- Prabhuthakur , Ward No.-9, P.S.-Rosera, Distt- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sukhsagar Devi, W/O Sri Dinesh Nayak, Rosera Nagar Panchayat Shahri Rojgar Yojna, Secretary, at present resident of Ward No.-2, Nayak Toli, P.S.Rosera, Distt-Samastipur

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 7271 of 2012)

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

(In Cr.Misc. No. 7644 of 2012)

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-02-2015

1. No one appears on behalf of the Opposite Party

No.2.

2. The Petitioners seek quashing of the order of cognizance dated 22.12.2011 passed by the Sub-Divisional Judicial Magistrate, Rosera, in CR Case No.1233 of 2008/T.R. No.2138 of 2012.

3. The case of the Complainant, who was Secretary of the Committee Development Society, is that she had written a letter on 01.02.2002 to provide a loan of ₹fifty thousand for a certain scheme run by the Central Government. The Complainant submitted forty two applications on 02.07.2007 to the Petitioners for grant of loan but it was not done. Subsequently, when she filed an application under Rights to Information Act, it was informed that no such applications have been received.

4. It has been submitted on behalf of the Petitioners that it appears that forty two application forms had been sent directly to the office of the Executive Officer, Nagar Panchayat, Rosera, and they were processed at that level. Even conceding the allegation in the Complaint Petition, no offence much less under Section(s) 420 Indian Penal Code is made out.

5. Having gone through the Complaint Petition, I would be inclined to accept the submission raised on behalf of the Petitioners that in the facts of the case no offence whatsoever is made

out against the Petitioners.

6. Hence, the order of cognizance dated 22.12.2011 passed by the Sub-Divisional Judicial Magistrate, Rosera, in CR Case No.1233 of 2008/T.R. No.2138 of 2012 is hereby set aside in so far as the Petitioners are concerned.

7. The applications stand allowed.

(Anjana Prakash, J)

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