

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19907 of 2015

Arising Out of PS.Case No. -450 Year- 2011 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Dharmendra Kumar s/o Umeshwar Singh Resident of Vill - Mahdurampur, P.S. -
Akorihgola, Dist - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-05-2015

The present application under section 482 of the Code of Criminal Procedure (in short 'the Code') has been filed for quashing the order dated 06.01.2015 passed by the learned Judicial Magistrate 1st Class, Aurangabad in Tr. No. 1777 of 2014 arising out of Aurangabad (Town) P.S.Case No. 450 of 2011, whereby he has rejected the application of the petitioner filed under section 239 of the Code for discharge.

The petitioner has been made accused in Aurangabad (Town) P.S.Case No. 450 of 2011 registered for the offences punishable under sections 420, 467 and 471 of the Indian Penal Code.

According to the prosecution case, the petitioner was appointed on the post of Fishery Supervisor on the basis of

documents submitted by him, which were forged and fabricated. The First Information Report was instituted on the basis of information given by the District Fishery Officer. The allegations made in the First Information Report were found to be true in course of investigation and on completion of investigation the police submitted charge sheet, pursuant to which cognizance was taken for the offences punishable under sections 420, 467, 468 and 471 of the Indian Penal Code. At the stage of framing of charge, an application under section 239 of the Code was filed by the petitioner, which has been dismissed by the court below vide order dated 06.01.2015.

Regard being had to the facts and circumstances of the case, I find no illegality in the order impugned. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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