

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.38860 of 2008**

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

Md.Harun

.... .... Petitioner/s

Versus

The State of Bihar & Anr

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.

Mr. Raj Dular Sah

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 29-06-2015**

The petitioner seeks quashing of the order dated 18.07.2008 by which the Sub-Divisional Judicial Magistrate, Gopalganj has refused to discharge the petitioner in Complaint Case No. 735 of 1999.

The case of the complainant is that the petitioner was a Teacher in a Madarsa and had been dismissed from service. However, later on he managed to receive certain amount of money from the Government fund on the basis of forged papers of the some Officers of the Madarsa.

It has been submitted on behalf of the petitioner that in the Madarsa there was a dispute between two Managing Committees. One of the committees had given a certificate to the petitioner with regard to his reinstatement on the post on the basis of which he had

received funds from the Government. It is wrong to say that upon enquiry signature was found forged. This allegation was oral in nature since the hand writing has not been tested by the expert nor has any committee member complained about it.

However, learned counsel for the complainant submits that petitioner's services had been terminated despite which he had purposely got his name approved by a committee which was not functioning. In such circumstances when charges have been framed, he should be put on trial.

Having gone through the facts of the case, I am unable to find any material which can be translated to evidence against the petitioner. The allegation of forgery is merely oral in nature. Hence the application is allowed and the order dated 18.07.2008 by which the Sub-Divisional Judicial Magistrate, Gopalganj has refused to discharge the petitioner in Complaint Case No. 735 of 1999 is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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