

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1084 of 2014

=====

Bhanu Pratap Shukla Son of Madhu Mandal Shukla, Resident of
Coollegiate School Road, Begusarai , P.S. and District- Begusarai.

.... Petitioner/s

Versus

The Union of India, through Inspector In-charge RPR, Post, Katihar (East)
N.F. Railway.

.... Respondent/s

=====

Appearance :

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

For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 24-07-2015 Heard learned counsel for the petitioner and
learned counsel for the respondent Railway.

The present writ application has been filed seeking quashing of the Complaint Case R.P.F./Post/Katihar East Case No. 01(03) of 2014/C-II-01 of 2014 as well as the criminal proceeding arising out of the said case which has been registered for offence punishable under Sections 3(a) and 4 of the Railway Property (Unlawful Possession) Act, 1966.

The allegation against the petitioner is that he along with his associates had removed the tender papers of the company represented by the informant, from the tender box of the Railway by force.

Learned counsel for the petitioner submits that from the complaint itself no offence is made out against the



petitioner since there is nothing to show that it was the petitioner who had removed, as per the allegation, the tender given by another party from the tender box. It is submitted that during enquiry the tender box has not been found tampered with and even the recovery of the alleged tender paper has been from another person and not the petitioner. Learned counsel submits that even the complaint has been made two days after the alleged occurrence which clearly shows that the petitioner has been falsely implicated.

Learned counsel for the Railway refers to his counter affidavit and further submits that from the complaint itself it is clear that the petitioner, upon being called by the R.P.F. officials, had admitted that he and his companions had stolen the form and they had given their signed undertaking to return the same and were thus released on P.R. bond. It is submitted that the petitioner has nowhere objected to or complained with regard to him having been forced to sign on any paper or to have given any statement and till date even in the present proceeding, the same has not been challenged. It is thus submitted that once such incriminating document signed by the petitioner has been brought on record, it can only be a matter of trial whereupon after proper leading of evidence in accordance with law the Court can finally adjudicate whether the petitioner is guilty or not.

Considering the facts and circumstances of the

case and submissions of learned counsel for the parties, this Court finds substance in the contention of learned counsel for the Railway. The petitioner shall have full opportunity to present his defence during the trial. The Court does not find any merit in the application and accordingly the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--