

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46035 of 2012

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

Sanjay Kumar, S/o Late Kamleshwari Singh, R/o Village - Bhatrindha, Police
Station - Chautham, District - Khagaria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. C.B. Das, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-04-2015

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order taking cognizance dated 24.5.2012 in connection with Gogri P. S. Case No. 229 of 2011.

The aforesaid police case was registered on the basis of a written report submitted by a teacher of D.A.V. Public School, Maheshkhunt on 20.12.2011.

According to the prosecution case, the petitioner was caught by the Invigilator of room no. 7 while he was trying to appear in examination being held for Teachers' Eligibility Test of

second session on 20th December, 2011 for one Sanjay Kumar, son of Kamleshri Singh, bearing Roll No. 1719110518.

The matter was investigated by the police and on conclusion of investigation, a report under Section 173(2) of the Code of Criminal Procedure was filed before the Magistrate concerned pursuant to which, cognizance has been taken for the offences punishable under Section 419 and 420 of the Indian Penal Code. Apparently, there is an allegation for “cheating by personation” against the petitioner.

Section 416 of the Indian Penal Code defines cheating by personation which reads as under:-

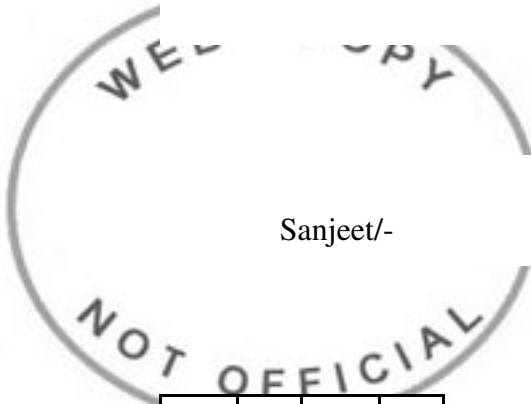
“416. Cheating by personation.- A person is said to “cheat by personation” if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.”

The allegation made in the FIR against the petitioner has been found to be true in course of investigation. If that is true, there were materials to show that ingredients of the offence of “cheating by personation” are available against the petitioner.

In that view of the matter, no error can be found in the impugned order dated 24.5.2012 passed by the learned Chief

Judicial Magistrate, Khagaria.

Accordingly, the application is dismissed.



Sanjeet/-

(Ashwani Kumar Singh, J.)

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