

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42250 of 2012

Arising Out of PS.Case No. -46 Year- 1999 Thana -null District- DARBHANGA

Raj Kumar Chaudhary S/O Late Gyan Chandra Chaudhary Village & P.O. Pokhram, P.S. Biraul, District Darbhanga.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-05-2015

The petitioner seeks quashing of the order of cognizance dated 16.11.2011 passed by the Sub Divisional Judicial Magistrate, Biraul at Benipur in Ghanshyampur P.S. Case no. 46 of 1999, G.R. No. 137 of 1999.

The case of the informant is that during matriculation examination an unknown person was found to be invigilating the examination in one of the rooms. When he was caught he disclosed his name as Shri Raj Kumar Chaudhary. However while the enquiry being done the person fled away. On going through the identity papers of the person concerned it was found that there was only a stamp instead of signature.

Counsel for the petitioner submits that since he was never put

on Test Identification Parade it would be impossible to prove that it was in fact the petitioner who was the false invigilator, only on the basis of his name having been disclosed by the person who was caught.

Having gone through the case diary, it has been found that there is no corroborative material with regard to the identity of the person who was caught at the spot and charge sheet was submitted opining that occurrence was true but charges were false against the petitioner.

Considering that there is no direct material against the petitioner, the application stands allowed and the order of cognizance dated 16.11.2011 passed by the Sub Divisional Judicial Magistrate, Biraul at Benipur in Ghanshyampur P.S. Case no. 46 of 1999, G.R. No. 137 of 1999 is hereby quashed.

However, this order shall not give any undue advantage to the petitioner in any manner.

(Anjana Prakash, J)

Prakash/-

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