

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43085 of 2013

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

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1. Chandrawati Kumari, wife of Suresh Prasad Singh, resident of village-Aranda,
P.S.-Obra, District-Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar &
2. Nanaya Nand Dubey, son of late Alakdeo Dubey, Assistant Teacher of Aranda
Middle School, P.S.- Obra, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Dubey, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

1. The Petitioner seeks quashing of the order of cognizance dated 23.05.2013 passed by the Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in Obra P.S. Case No.23 of 2012/G.R.No.123 of 2012/Trial No.1868 of 2013.

2. The case of the Informant is that he was Assistant Teacher in the School where the Petitioner was the Headmistress. On the date of occurrence, he found that 40 kg. of rice had been hidden which he suspected was being removed for ulterior purpose.

3. It has been submitted on behalf of the Petitioner that background fact is that a dispute arose between the Petitioner

and the Informant over snatching of a cheque which matter was settled at the intervention of the local police. By way of compromise, the Informant returned the said amount. Subsequently, he filed the present case only to harass her. Admittedly, the rice was found in the school premises itself.

4. Case Diary was called for to verify the nature of material which has transpired against the Petitioner during investigation.

5. It appears that the witnesses have stated that if, at all, the Petitioner wanted to remove the rice, she could have done so at any stage instead of hiding it in the school premises from where it was recovered. In fact, it was because of strict action on incumbents of the school they hatched up conspiracy against her and this case was instituted. There has been no defalcation of any kind.

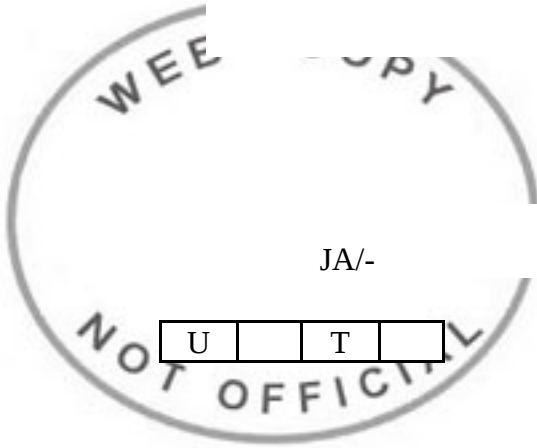
6. On the other hand, counsel for the Informant submits that since the Petitioner was caught red handed hiding the rice purportedly for ulterior purpose, she should be put of trial.

7. Having considered the nature of allegation, I am unable to convince myself as to what offence would be made out against the Petitioner since the rice was found in the school itself.

8. Hence, the order of cognizance dated 23.05.2013 passed by the Sub-Divisional Judicial Magistrate, Daudnagar,

Aurangabad, is hereby set aside.

9. The application stands allowed.



(Anjana Prakash, J)