

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39483 of 2013

Arising Out of PS.Case No. -101 Year- 2001 Thana -FATEHPUR District- GAYA

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Ramyatan Singh , son of Late Jagdish Singh, resident of Village- Kandaul,
P.S. Hulasganj, District Jehanabad.

.... Petitioner

Versus

1. The State of Bihar.
2. Sheo Kumar Vishwakarma, Branch Manager, Madhya Bihar Gramin Bank (Erstwhile Magadh Gramin Bank), Branch Lodhway, District Gaya.
3. Kameshwar Paswan ,Father's name not known to the petitioner, Messenger, Madhya Bihar Gramin Bank, (Erstwhile Magadh Gramin Bank), Branch Lodhway, District Gaya.
4. Smt. Ramrati Devi W/O Bhuneshwar Pd. Yadav, resident of Village Kurya Purni Bathan, P.S. Fatehpur, District Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 16-05-2016 Heard Sri Sanjay Kumar, learned counsel for the

petitioner and learned Addl. Public Prosecutor.

The petitioner, who was at the relevant time Branch Manager of Madhya Bihar Gramin Bank (erstwhile Magadh Gramin Bank), has approached this Court, invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 20.05.2013 passed by learned Judicial Magistrate, 1st Class, Gaya in G.R. no.2013 of 2007, Tr. No.1371 of 2013(arising out of Fatehpur P.S.Case no.101 of 2001). By the said order, the petition filed on behalf of

the petitioner under Section 239 of the Code of Criminal Procedure for discharge was rejected.

Learned counsel for the petitioner has assailed the order impugned on the ground that the learned Magistrate only on the ground that in this case order of cognizance was passed by the learned Chief Judicial Magistrate, has rejected the discharge petition. He further submits that even against the petitioner, the allegation is for misappropriation of meager amount and the petitioner is a retired person and, as such, a prayer has been made to set aside the impugned order.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. It is true that the learned Magistrate in the impugned order has referred the fact that in this case order of cognizance was passed by the learned Chief Judicial Magistrate. However, the learned Magistrate has also examined the materials in the case diary, which is evident from the impugned order. At the time of rejection of discharge petition, there is no requirement to assign detailed reason. However, at the time of discharge, it is mandatorily required on the part of the court below to assign reason.

After going through the impugned order, I do not find any error warranting interference with the same. Accordingly,

the petition stands dismissed. Keeping in view the fact that F.I.R. was lodged in the year 2001 and order impugned was passed, while dismissing the present petition, it is desirable to direct the court below to proceed with the case expeditiously, so that the trial may come to its logical end without unnecessary delay.

Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J)

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