

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25712 of 2013

Arising Out of PS.Case No. -5 Year- 2012 Thana -BHARGAMA District- ARRARIA

Ramesh Kumar son of Anmol Yadav Resident Of Village- Bhaiya Ram Bishunpur, P.O.- Sirsiya Kala, P.S.- Bhargama, District- Araria, Presently Working As The Headmaster, Up-Graded Middle School, Gamhariya (West), Block-Bhargama, District- Araria

.... Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The Director General Of Police, Bihar, Patna
- 3. The Superintendent Of Police, Araria, District- Araria
- 4. The Station Head Officer, Bhargama Police Station, District- Araria
- 5. The Block Education Officer, Bhargama Block, District- Araria

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Manglam

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

5 01-04-2016 Heard Sri Shashi Bhushan Manglam, learned counsel for the petitioner and learned A.P.P.

The petitioner, invoking inherent jurisdiction of this court under Section 482 of the Code of Criminal Procedure, has prayed for quashing of Charge Sheet No. 74 of 2012 dated 30.5.2012 which was submitted by the Police after investigation in the court of learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 05 of 2012. Charge

sheet was submitted under Section 409 of the Indian Penal Code.

Learned counsel for the petitioner tried to persuade the court by way of referring to the facts disclosed in the charge sheet that allegation is that instead of *Usna* rice (boiled rice) the petitioner being Headmaster of the School was providing *Arwa* rice to the students and accordingly, it was submitted by learned counsel for the petitioner that there is no element for application of Section 409 of the Indian Penal Code and on this ground alone he has made a prayer for quashing of the charge sheet.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. In the F.I.R. itself there was specific accusation that huge quantity of rice was found missing at the time of inspection. During investigation accusation was found true and thereafter Police submitted charge sheet. On perusal of the materials on record, the Court is of the opinion that there is nothing to interfere with the order of charge sheet.

Keeping in view the fact that charge sheet was submitted in the year 2012 itself before the court of learned Chief Judicial Magistrate, Araria, while dismissing the present petition it is necessary to direct the concerned court to take appropriate steps, so that the case may come to its logical end without

unnecessary delay.

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

(Rakesh Kumar, J)

Praful/-

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