

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25151 of 2013

Arising Out of PS.Case No. -176 Year- 2011 Thana -RAMPUR District- GAYA

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Jwala Prasad son of Late Vimal Ram, Resident of Village- Bardiha, Post
Office- Chandi, Police Station- Charpokhari, District- Bhojpur at Arah

.... Petitioner

Versus

1. The State of Bihar
2. Sharwan Anjum son of Saiudur Rahman, The Executive Engineer, Bihar
State Housing Board, Gaya Division, Gaya

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor.

The sole petitioner, invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 22.04.2013 passed by the learned Chief Judicial Magistrate, Gaya in Rampur P.S.Case no. 176 of 2011. By the said order, the learned Magistrate has taken cognizance of offence under Sections 409.420, 120(B) of the Indian Penal Code.

Learned counsel for the petitioner has tried to persuade the Court that on the basis of averment made in the F.I.R., no cognizable offence is made out. He submits that the petitioner

being an Executive Engineer and Drawing and Disbursing Authority has withdrawn his amount under the head of ACP.

On perusal of the F.I.R. it is evident that the petitioner being an Executive Engineer and Drawing Disbursing Authority has withdrawn the amount, which was earmarked for the payment of other employees. Moreover after instituting the F.I.R., the police investigated the case and during investigation, the accusation against the petitioner as well as concerned Assistant was found true and , thereafter, chargesheet was submitted against the petitioner and one another accused, namely, Vijay Kumar Singh. Only after filing of the chargesheet, since the petitioner and one Vijay Kumar Singh were forwarded as accused, the learned Magistrate has taken cognizance of offence.

On perusal of the impugned order, I do not find any ground for interference. The petition stands dismissed.

(Rakesh Kumar, J)

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