

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17420 of 2016

Arising Out of PS.Case No. -108 Year- 2005 Thana -SIWAN CITY District- SIWAN

=====

Umesh Prasad Sinha Son of Late Ram Narain Prasad, resident of village-
Harihans, P.S.- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Binod Kumar No. 3 (App)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 15-09-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is challenging the order of
cognizance dated 20th July 2015 passed by Chief Judicial Magistrate,
Siwan whereby and whereunder he has taken cognizance under section
409 of the Indian Penal Code, corresponding to Trial No. 1838 of 2016
arising from Siwan Town P.S. Case No. 108 of 2005.

In the present case, the D.D.C.-cum-Chief Executive
Officer, Siwan filed a written complaint to the Officer Incharge, Siwan
Town Police Station on the basis of letter dated 29.04.2005 issued
by the Collector, Siwan making allegation that the financial
irregularities have been committed during period of 2003-2004 in
M.L.A. quota, which was sanctioned in the name of Satyadeo
Prasad Singh, Ex-M.L.A., Basantpur. The said fund was allotted to the
District Engineer, Dhananjay Mani Tiwary, who was the Assistant

Engineer, Zila Parishad, Siwan. Umesh Prasad Sinha (petitioner) was Junior Engineer, who was employee of the Rural Development Special Division, Siwan. After investigation, it was found that the several irregularities have been committed by them, as the work was sanctioned under the Scheme and the said District Engineer and the Junior Engineer with connivance of each other misappropriated Rs.7,12,074/- (Seven lacs twelve thousand and seventy four).

The counsel for the petitioner submits that there is no material whatsoever against them and so much so that for the first time, in the history, the money has been returned to the State Exchequer.

Photo copy of the case diary was produced. From the record it appears that the amount has been returned after lodging the case, not prior to that and so much so that the case diary indicates several irregularities have been committed by them.

This Court does not find any error in the order of taking cognizance. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

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