

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15058 of 2016

Arising Out of PS.Case No. -191 Year- 2014 Thana -SIMRI District- BUXAR

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Birendra Choudhary @ Birendra Kumar Choudhary son of Shiv Shankar Chaudhary resident of Village- Kukuraha, Police Station- Itadhi, District- Buxar, Presently posted in Nawanagar Block as a Panchayat Secretary, Police Station- Nawanagar, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Sahin Begum (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 01-07-2016

The present application has been filed for quashing the order dated 16.12.2015 passed in Simri P.S. Case No. 191 of 2014 by learned Chief Judicial Magistrate, Buxar whereby processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 420, 406, 409 and 120B/34 of the Indian Penal Code.

The accusation is of misappropriating the govt. money with regard to purchase of the solar lights.

It is submitted by learned counsel for the petitioner that the petitioner was not posted in Rajpur Kala Panchayat at time of alleged misappropriation of fund.

At the time of taking cognizance the learned

Magistrate has to see that accusation, prima facie, constitutes offence. Hence, this Court is not inclined to interfere.

Accordingly, this application is disposed of with liberty to the petitioner to raise all the contentions at the time of framing of charge, if the charge has not been framed as yet.

(Dinesh Kumar Singh, J)

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