

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58601 of 2015

Arising Out of PS.Case No. -80 Year- 2015 Thana -KHARAGPUR District- MUNGER

Sri Prabhakar Kumar Singh @ Prabhakar Kumar @ Divakar Singh (PACS)
Adhyaksha (Chairman), Son of Late Bohla Singh , Resident of Village -Agrahan
P.S.- Shampur (Haveli Kharagpur) Distt- Munger Petitioner
Versus

1. State of Bihar & Anr
2. Pramod Kumar Mandal, son of Chandradeo Mandal, presently Co-operative
Extension Officer, Haveli Kharagapur Munger, Resident of Village-Kachharia P.S.-
Khagalgaoon, Distt -Bhagalpur. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. R.S. Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 21-04-2016

Heard Mr. Ajit Kumar Singh, learned counsel for the
petitioner and Mr. R.S. Choudhary, learned Additional Public
Prosecutor for the State.

By way of the present application preferred under
Section 482 of the Code of Criminal Procedure, the petitioner seeks
quashing of the first information report in connection with Shampur
(Kharagpur) P.S. Case No. 80 of 2015 dated 11.04.2015 registered
under Sections 406, 409 and 420 of the Indian Penal Code.

According to the prosecution case, 4092 bags of paddy
containing 42 kg each were found missing from the godown on
physical verification made by the authorities. It has been alleged
that the petitioner being the Chairman of Agrahan PACS is

responsible for the alleged irregularity/illegality.

Learned counsel for the petitioner has contended that the inquiry was conducted in a perfunctory manner by the authorities concerned. The defence of the petitioner that the deficit paddy bags were kept in a separate godown was not considered by the authorities and, thus, an erroneous allegation had been made in the FIR.

Be that as it may, at the stage of consideration of an application for quashing of an FIR, it would not be proper for this Court to consider the defence of the accused. Primarily, it is the job of the investigating agency. The only thing which is required to be seen by this Court at this stage is as to whether or not on the admitted facts of the case a cognizable offence is made out. In the opinion of this Court, the allegations made in the FIR do attract the ingredients of a cognizable offence.

In that view of the matter, I do not find any merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.04.2016
Transmission Date	25.04.2016