

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.54 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- LAKHISARAI

1. Hazari Dhobi, Son of Late Kashi Dhobi, Resident of Village- Jay Nagar, Ward No.33, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Lakhisarai.
4. The District Programme Officer (Establishment) Lakhisarai.
5. The District Programme Officer, Primary Education and Sarwa Shiksha Abhiyan, Lakhisarai.
6. The Block Education Officer, Lakhisarai Block, District- Lakhisarai.
7. The Head Master, Middle School, Hasanpur, P.S.- Kabaiya, District- Lakhisarai.
8. The Superintendent of Police, Lakhisarai.
9. The S.H.O. Lakhisarai Police Station, District- Lakhisarai.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Respondent/s : Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-12-2017

Heard learned counsel for the parties.

2. This writ application has been filed for quashing the F.I.R. of Lakhisarai P.S. Case No.110 of 2016, registered under Section 409 of the Indian Penal Code. A copy of the F.I.R. is at Annexure-1.

3. Perusal of the F.I.R. would reveal that for financial year 2008-09 total fund of Rs.5,60,000/- (Five lacs sixty thousand) was allotted to the school, where the petitioner was Principal, for construction of additional class room. Allegation is that the petitioner misappropriated Rs.1,62,480/- (One lac sixty-two thousand four hundred and eighty) out of total fund of Rs.5,60,000/- (Five lacs sixty



thousand) aforesaid.

4. Learned counsel for the petitioner took the Court to different annexures including the annexure enclosed to the reply to the counter affidavit. However, failed to explain that the alleged defalcation amount is still lying in the school Bank Account or any amount is lying in the school account beyond the admitted utility certificate at Annexure-8. In my view, the F.I.R. prima facie discloses cognizable offence against the petitioner. Hence, investigation of the same cannot be stopped.

5. Accordingly, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2017
Transmission Date	07.12.2017

