

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54118 of 2013

Arising Out of PS.Case No. -112 Year- 2011 Thana -BHAGWAN BAZAR District- SARAN

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Sanjay Kumar, s/o late Murari Prasad, resident of village- Akabarpur, P.O-
Shitalpur, P.S- Dariyapur, District- Saran.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 09-05-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 21.5.2012/8.6.2012 passed by the learned Chief Judicial Magistrate, Chapra, in connection with Bhagwan Bazar P.S. Case No. 112 of 2011, Trial No.3879 of 2013 by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 420, 421, 465, 467 and 471 of the Indian Penal Code.

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

3. It has been submitted on behalf of the petitioner that both Departmental Proceeding as well as Criminal Case are continuing against the petitioner. He has submitted that in Departmental Proceeding, the suspension order has been revoked.



4. This Court is of the view that both proceedings are independent to each other. The criminal proceeding will not be affected by the progress made in the Departmental Proceeding.

5. The court below after looking into the allegation made in the written report and material available in the case diary after submission of charge sheet, took cognizance against the petitioner for the offence under Sections 420, 421, 465, 467 and 471 of the Indian Penal Code. The court below is only required to see prima facie case at the time of taking cognizance.

6. Therefore, this Court does not find any illegality in the impugned order.

7. The application is dismissed.

8. The petitioner is given liberty to raise all the points as raised in this Criminal Miscellaneous application at the time of framing of charge if charge has not been framed till date, which shall be considered and disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
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