

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19627 of 2014

Arising Out of P.S.Case No. -29 Year- 2011 Thana -GOVINDPUR District- NAWADA

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Ravindra Yadav son of Sri Prabhu Yadav Resident of Village- Shikharpur,
P.S- Govindpur, Distt- Nawada.

.... Petitioner

Versus

1. The State of Bihar
2. Block Development officer, Govindpur, Nawada (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Birendra Kumar, Advocate
For the Opposite Parties : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 20-06-2017 Heard both sides.

2. The petitioner seeks quashing of the order dated 03.09.2012 passed by Chief Judicial Magistrate, Nawada in G.R.No.1253 of 2011 arising out of Govindpur P.S.Case No.29 of 2011 whereby and whereunder cognizance has been taken against this petitioner and others for the offence under Sections 409/34 of the IPC.

3. The facts in brief is that a police case vide Govindpur P.S.Case No.29 of 2011 was registered on the basis of written report of Block Development Officer, Govindpur wherein it has been alleged that in the year 1994-95 under Guaranteed Rojgar Scheme the petitioner and few others were given cash amount as per detailed in written report for preparation of bricks.



The petitioner was given an amount of Rs.27,500/- but he did not deposit the same in the office in spite of repeated direction which shows that the accused persons have defalcated and misappropriated the government money.

4. The learned counsel for the petitioner submits that this petitioner was appointed agent for preparation of two lacks bricks vide office order no.29/94-95 issued by Block Development Officer, Govindpur at the rate of 40500 per lacks. The petitioner prepared the bricks but 20,000/- bricks could not prepared and 30,000 bricks were destroyed for which an information was given to the Block Development Officer, Govindpur. In spite of repeated request to the BDO and District Magistrate, no step was taken for disposal of ready bricks and after lapse of 16 years the BDO has given notice only to harass the petitioner. The order taking cognizance against the petitioner is bad in law and is fit to be quashed.

5. The learned APP opposed the submissions. He submits that this petitioner and other co-accused admittedly took amount from the office of Block Development Office, Govindpur and misappropriated the same. He was duty bound to deposit the said amount in compliance of said notice issued by the office.

6. On perusal of documents on record, I find that the



petitioner was ordered to manufacture two lacks bricks for which he had taken money to the tune of Rs.27,500/- He misappropriated the said amount as in spite of passing over several years he neither deposited the said amount nor submitted any satisfactory explanation in pursuance of notice issued by office. The present case was lodged on the basis of audit report whereunder he was found liable to deposit the said amount.

7. In view of discussions made above, I do not find any merit in the present miscellaneous application, which is accordingly, dismissed.

(Sanjay Kumar, J)

B.Kr./-

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