

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37677 of 2013

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

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1. Ram Sanjivan Prasad Yadav Son Of Late Basudeo Rai Resident Of Village
Punarbara, P.S.-Runni Saidpur, Dist.-Sitamarhi

.... Petitioner/s

Versus

1. State Of Bihar & Anr
2. Harendra Kumar Pathak Son Of Late Chhotahal Pathak Resident Of Bholdiar
Tola, Mokama, P.S.-Mokama, Dist.-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 03-04-2017

The present petition has been filed for quashing the order dated 12-08-2013 passed by the learned Sub Divisional Judicial Magistrate, (West) Muzaffarpur in Complaint Case No. 661 of 2013, by which and whereunder, the learned Magistrate took cognizance against the petitioner for the offence under Sections-406/420 of the Indian Penal Code.

Heard learned counsel appearing for opposite party No. 2.
No one appears on behalf of the petitioner on repeated call.

The complainant/opposite party No. 2 lodged the complaint alleging that the petitioner being elected chairman of Tirhut Dugdh Utpadak Sahkari Sangh Ltd. Muzaffarpur used to utilize three



mobiles as mentioned in the written report though he had been given one mobile by the institution. One Pratima Sinha was his assistant who used to make payment of recharge coupons of those mobiles without getting signature on the vouchers by this petitioner. The cost of the aforesaid recharge voucher coupons comes to Rs. 23,944/-

Learned counsel for opposite party No. 2 has appeared. He submits that in paragraph-13 of this petition itself, there is admission by this petitioner that he had deposited the aforesaid surcharge amount including the amount of recharge vouchers of three mobiles, in question, in the Bank Account of TIMUL on 25-05-2012. The bank receipt has been annexed as Annexure-6 to this petition. The learned Magistrate after looking into the statement of the complainant recorded on solemn affirmation and the statement of three witnesses during inquiry found prima facie case against the petitioner for the offence charged.

In such circumstances, this court does not find any illegality in the impugned order dated 12-08-2013.

Accordingly, this quashing petition is dismissed.

Learned trial court is directed to proceed in the trial in accordance with law.

The petitioner is given liberty to raise all the points as raised in this Cr. Misc. Application at the time of framing of charge in



the case in court below, which shall be disposed off by the court below in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

