

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42676 of 2013

Arising Out of PS.Case No. -78 Year- 2003 Thana -EKMA District- SARAN

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Abhimanyu Kumar Singh @ Abhimanu Singh S/O Late Kapleshwar Prasad Singh,
Resident Of Village Haripur, P.S- Sonbarsa, District- Saharsa, presently posted As
Anusewak Nahar Pramandal, Ekma, District- Saran.

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-04-2017

The petitioner has been made accused in Ekma P. S.
Case No. 78 of 2003 registered for the offences punishable under
Sections 420, 467, 468 and 471 of the Indian Penal Code.

2. In the FIR, it is alleged that on the basis of
forged letter of appointment and order of transfer the petitioner
worked as a Class-IV employee and received salary from Saran
Canal Division.

3. The Police conducted the investigation and on
completion of investigation, the allegations made in the FIR were
found to be true. Accordingly, vide charge-sheet no. 93 of 2012
dated 30.06.2012, the petitioner was sent up for trial pursuant to
which the learned Judicial Magistrate, 1st Class, Saran, Chapra vide
impugned order dated 26.07.2012 took cognizance of the offences



punishable under Sections 420, 467, 468, 409 and 471 of the Indian Penal Code and summoned the petitioner to face trial.

4. The aforesaid summoning order dated 26.07.2012 is under challenge in the present application.

5. It is contended that the petitioner has already deposited Rs.40,320/- through treasury challen and hence, the State has been compensated for the loss caused due to the salary withdrawn by the petitioner. It is further contended that though the FIR was lodged in the year 2003, the charge-sheet was submitted after nine years on 30.06.2012. It is also contended that there is no explanation for the inordinate delay in completion of investigation.

6. Be that as it may, since the allegations made in the FIR were found to be true during investigation and on perusal of the material available on record including the police report, the learned Magistrate found sufficient material to proceed against the petitioner, I see no illegality in the impugned order.

7. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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