

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11340 of 2014

Arising Out of PS.Case No. -95 Year- 2008 Thana -BARARI District- KATIHAR

=====

1. Allauddin Son of Late Abdul Resident Of Village - Uchchala, P.S. - Barari, Dist.
- Katihar.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Hare Ram Singh, I/C Block Education Extention Officer, Barari, P.S.-
Barari, District-Katihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.
Mr. D.N. Tiwari, Adv.
For the Opposite Party/s : Mr. M.K. Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 06-10-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 16.12.2013 passed by the learned Judicial Magistrate, 1st Class, Katihar in G.R. No. 1737 of 2008 arising out of Barari P.S. Case No. 95 of 2008 whereby and whereunder the learned Magistrate rejected the petition filed under Section 239 of the Cr.P.C. and refused to discharge the petitioner from the offence under Sections 409, 420, 467, 468, 472 and 120-B/34 of the Indian Penal Code.

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

3. The petitioner was Mukhiya on the alleged date of



occurrence. It has been alleged that he in collusion with the Panchayat Secretary committed fraud and forgery in calculating the marks of one Nisar Alam in connection with the appointment of Panchayat Shiksha Mitra in order to deprive him from being selected. The matter was enquired by police and charge-sheet for the offence under Sections 409, 420, 467, 468, 471, 472, 120-B/34 of the Indian Penal Code was submitted. The learned Magistrate after examining the materials on record took cognizance against the petitioner and other co-accused under the aforesaid sections. In case diary, I find that the witnesses have supported the allegation of manipulation in calculating of marks of the petitioner. The defence of the petitioner that he had not selected any person as Panchayat Shiksha Mitra on the basis of his calculation cannot exonerate him from the offence in question. The learned Magistrate has rightly refused to discharge the petitioner from the offence in question.

4. In view of discussions made above, I do not find any merit in this application and the same is accordingly dismissed.

(Sanjay Kumar, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.10.2017
Transmission Date	11.10.2017

