

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.43207 of 2013**

Arising Out of PS.Case No. -59 Year- 2011 Thana –Shikarhatta District- BHOJPUR

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Rajendra Kumar @ Rajendra Rai S/O Late Singashan Rai Resident Of Village-  
Basra, Nonadih, P.S- Sikarhatta, District- Bhojpur (Ara)

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Sheo Jee Singh S/o Late Tiwary Singh Resident Of Village- Mukudpur, Police  
Station- Chardokhari, District- Bhojpur (Arra)

.... .... 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 PRABHAT KUMAR JHA**

**ORAL JUDGMENT**

**Date: 20-04-2017**

Heard both sides.

The petitioner filed this petition under Section 482 of the Code of Criminal Procedure (Hereinafter referred as “the Code”) for quashing the order dated 18.04.2012 passed in Shikarhatta P.S. Case No. 59 of 2011, whereby the learned Chief Judicial Magistrate, Arra took cognizance under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code against the petitioner and transferred this case to the court of Judicial Magistrate, first Class for trial.

On the basis of Complaint Case No. 1268 (C) of 2011 filed by the complainant, Shikarhatta P.S. Case No. 59 of 2011 was registered under Sections 406, 420, 467, 468 and 471 of the Indian



Penal Code. The informant alleged that the petitioner took money from the informant and others for appointment of the informant and others on the post of Panchayat coordinator for disbursing housing loan. The informant further alleged that the petitioner took Rs. 10000/- each for said purpose from the informant and other witnesses who are the victim of such fraud. The informant and others approached many times to the petitioner but the informant and others were neither appointed on the post of coordinator nor provided housing loan.

The police after investigation submitted final report finding the case true against the petitioner and, on such, learned Chief Judicial Magistrate took cognizance on 18.04.2012.

Learned counsel for the petitioner assails the order impugned on the ground that the learned Chief Judicial Magistrate has not assigned any reason for taking cognizance and, therefore, the order is cryptic.

It appears that the submissions made by the learned counsel for the petitioner is not acceptable on the simple ground that the learned Chief Judicial Magistrate took cognizance after perusal of the records and on the basis of the materials collected by the investigating officer during the course of investigation. I do not find any illegality on the face of the order impugned. Learned Chief



Judicial Magistrate has written that after pursuing the material collected during investigation, the court found sufficient material to take cognizance. It is not controverted that no material is available on record to take cognizance. Therefore, in such circumstance and on the facts aforesaid, the Magistrate is not to give detailed reason for taking cognizance. Accordingly, the quashing petition is devoid of any merit and the same is dismissed.

**(Prabhat Kumar Jha, J.)**

Mishra/-

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