

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30337 of 2013

Arising Out of PS.Case No. -541 Year- 2002 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Mohan Lal, son of late Nathu Saran, resident of mohalla- Teen Lalten Chowk
(wrongly mentioned as Ilam Ram Chowk in the Charge-Sheet), P.S.- Bettiah Town,
District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Suresh Prasad Singh, son of late Ramdeo Singh, resident of village- Tithori,
P.S.- Guraru, District- Gaya, at present, the Additional Collector, Land Ceiling,
West Champaran, Bettiah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 25-01-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 03.04.2007 passed in Bettiah Town P.S. Case No.541 of 2002 by which the learned Chief Judicial Magistrate, West Chamapran at Bettiah, has taken cognizance against the petitioner under Section(s) 419, 420, 467, 468, 471, 182, 197 of the Indian Penal Code and Section 36 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

It has been submitted on behalf of the petitioner that the petitioner was Notary Public at the relevant time. One Mathura Sah



had filed an Affidavit in R.A. Case No.11 of 2002-03 before the District Magistrate, East Champaran, which was sworn before the petitioner, who was Notary Public. The complainant got knowledge about the aforesaid Affidavit after obtaining certified copy of the order passed in that case.

From the impugned order, it appears that the Court below on the basis of the charge-sheet submitted by the police took cognizance against this petitioner and other accused under Section(s) 419, 420, 467, 468, 471, 182, 197 of the Indian Penal Code and Section 36 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

Counsel for the petitioner submits that in para 33 of the Case Diary it has come that this petitioner was Notary Public and the Affidavit was sworn before him.

In this manner, from the allegation as made in the written report and the materials available in the Case Diary, this Court does not find any ingredient of the offence for which cognizance has been taken against the petitioner by the Court below. It is admitted position that the petitioner was Notary Public at the relevant time and only oath was administered by this petitioner to Mathura Sah.

Accordingly, the order dated 03.04.2007 passed in



Bettiah Town P.S. Case No.541 of 2002 by the learned Chief Judicial Magistrate, West Chamapran at Bettiah, taking cognizance against the petitioner under Section(s) 419, 420, 467, 468, 471, 182, 197 of the Indian Penal Code and Section 36 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, as well as entire proceeding so far as it relates to the petitioner is quashed.

The application stands allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30-01-2017
Transmission Date	30-01-2017

