

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53521 of 2015

Arising Out of PS.Case No. -54 Year- 2013 Thana -KHARAGPUR District- MUNGER

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Raghunandan Singh, Son of Sri Jai Prakash Singh, Resident of Village-
Choti Kelawari, Police Station- Kotwali, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Satyendra Prasad Verma, Son of Late Girdhari Prasad Verma, Resident of Village- Tarajori, Post Office- Bada Charpa, District- Deoghar, State of Jharkhand, the then Circle Officer, Haweli Kharagpur Circle, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-05-2017

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

The present application has been filed for quashing the order dated 11.03.2015 passed by learned Sub-divisional Judicial Magistrate, Sadar, Munger in Haweli Kharagpur P.S. Case No. 54 of 2013 whereby process has been directed to be issued after cognizance being taken for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case as per the written report of the Circle Officer, Haweli Kharagpur addressed to the Officer-in-charge of Haweli Kharagpur Police Station to the effect that the



petitioner while working on the post of Nazir was transferred from Haweli Kharagpur Circle office to Sub-divisional office, Tarapur but on transfer he neither handed over the general cash book of circle for the period of 28.03.2006 to 25.07.2008 nor handed over the charge of Nazir. Moreover, the petitioner violated the directions of the superior officer. On the basis of aforesaid accusation Haweli Kharagpur P.S. Case No. 54 of 2013 was registered on 17.03.2013 under Section 409 of the Indian Penal Code.

On conclusion of the investigation final form (charge sheet) was submitted under Sections 409 and 420 of the Indian Penal Code and consequently the learned SDJM vide order dated 11.03.2015 after perusing the records came to the conclusion that prima facie case under Sections 409 and 420 of the IPC is made out against the petitioner hence passed order of cognizance. The said order is impugned in the present proceeding.

It is submitted by learned counsel for the petitioner that on certain misconception the accusation has been levelled without conducting any proper enquiry.

In view of this Court at the stage of exercising jurisdiction under Section 190(1)(b) Cr.P.C. the Magistrate has to see, prima facie, case. At this stage the



Magistrate has advantage of going through the materials collected during investigation brought before the Magistrate by way of police report under Section 173(2) of the Code of Criminal Procedure. Moreover, the impugned order was passed on 11.03.2013 and there is nothing on the record to suggest the present stage of the case.

In the circumstances, this Court is not inclined to interfere. Accordingly, this application is disposed of with liberty to the petitioner to raise all the contentions at appropriate stage of proceeding.

(Dinesh Kumar Singh, J)

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