

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16709 of 2014

Arising Out of PS.Case No. -17 Year- 2011 Thana -PALASI District- ARRARIA

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Janki Devi Wife of Bal Krishana Jha Asst. Teacher, Project School,
Kaliaganj, P.S. - Palasi, District - Araria, at present residing at Araria Ward
No. 15, P.S. - Araria, District - Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Nirmal Kr.Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

4 23-03-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. This application is directed under Section 482
Cr.P.C. against the order dated 17.04.2013 passed in Palasi
P.S.Case No.17 of 2011 (G.R. No.196/11) whereunder the court
of Chief Judicial Magistrate, took cognizance of offence against
the three accused persons including the petitioner shown in
accused column in supplementary charge sheet dated 11.03.2013
on perusal of the materials available in the case diary for the
offences under Sections 420, 406, 409,120(B), 467, 468 and 384



of the Indian Penal Code.

3. Prosecution case, in brief, is that the informant Ram Bilash Singh, S.H.O., P.S. Palasi, in course of investigation of the Palasi P.S. Case No.30 of 2009, came to know that money of different Government Schemes of DEHTI PACS deposited in Central Bank of India, Palasi Branch, State Bank of India, Kankhudia, S.B.I. Main Branch, Bank of Baroda, Taran Branch, Bank of Baroda, Araria Branch, Co-operative Bank, Araria Branch, Co-operative Bank, Forbesganj Branch, Punjab National Bank, Forbesganj Branch and other nationalized banks, was withdrawn and misappropriated by the PACS Manager, Rudranand Jha in collusion with the Chairman Panchanand Bishwas and other officials. Bal Krishna Jha who is an official of PACS at Terhagachh also managed to get loan Rs.9 lacs in the name of his wife, Janki Devi (petitioner) and he returned only Rupees three lacs and grabbed remaining Rs. 6/- lacs.

4. Learned counsel appearing on behalf of the petitioner submits that, in fact, petitioner who is the wife of Bal Krishna Jha, applied for loan of Rs.9/- lacs at PACS Dehti to purchase the Scarpio. Her application of loan was allowed and



Rs.883019/- was handed to her through demand draft on 30.04.2007. In the registration paper of Scarpio in column No.IV the Scarpio vehicle was shown hypothecated with PKSSB DEHTI Araria. Thereafter the petitioner deposited the entire loan in three instalments, i.e., Rs.3.5 lacs, Rs.5.2 lacs and Rs.4.7 lacs and Manager Dehti PACS issued no dues certificate on 30.12.2008 in this regard. As such, Palasi P.S.Case No.17 of 2011, in which the impugned order has been passed summoning the accused-petitioner on enquiry under Section 202 Cr.P.C., has been filed with ulterior motive.

5. On perusal of the counter affidavit filed on behalf of State of Bihar it is apparent that payment of entire loan amounting by the petitioner and issuing the No Dues Certificate by Manager of PACS Dehti on 30.12.2008 has not been denied.

6. Since the loan amount has been deposited by the petitioner and No Dues Certificate is issued by Manager Dehti PACS on 30.12.2016 in favour of petitioner as appears to Annexure-4 series. As such, the impugned order taking cognizance of offence under Sections 420, 406, 409, 120(B), 467, 468 and 384 of I.P.C. against the petitioner in Palasi P.S. Case



No.17 of 2011 is bad in law. Accordingly, this application is allowed and the impugned order dated 17.04.2013 taking cognizance of offence under Sections 420, 406, 409, 120(B), 467, 468 and 384 of the Indian Penal Code in Palasi P.S. Case No.17 of 2011/ G.R. No.196 of 2011 against the petitioner is hereby quashed.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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