

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1032 of 2017

=====

1. Shashi Bhushan Pathak, S/o Shambhu Narayan Pathak. R/o Village Nagwa, Post Dubhar, Distict Ballia At Present Junior Engineering Works Division, Buxar

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate cum Collector Buxar
3. Deputy Collector Land Reforms, Buxa.
4. Sanjay Gandhi Asstt. Engineer, MNREGA, DRDR, Buxar
5. Block Development Officer, Rajpur Buxar
6. Programme Officer, Buxar
7. Superintendent of Police, Buxar
8. Officer Incharge, Dhansoi, P.S. Buxar
9. Mukhaiya Gram Panchayat Dulfa, Block- Rajpur, District- Buxar
10. Secretary Gram Panchayat Dulfa, Block- Rajpur, District- Buxar

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Vijay Kumar, Adv.
For the Respondents : Mr. Archana Meenakshee (Gp-6)

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-07-2017

Heard the parties.

The petitioner is one of the accused in Dhansoi P.S. Case No. 89 of 2017 registered under Sections 417, 423 and 466/34 of the Indian Penal Code.

Allegation in the first information report is that public money was defalcated by the accused persons, including the petitioner, without completion of public work. Specific allegation against the petitioner, who was Junior Engineer, is that he submitted wrong measurement book stating therein completion of the work whereas the Committee found that the work was not completed.

The petitioner has prayed for quashing of the first information report in exercise of extra ordinary jurisdiction on the ground that in fact work was actually completed and collusive



report has been submitted just to harass the petitioner. the petitioner was not given opportunity to meet the charges before lodging of the first information report otherwise the petitioner would have explained it.

The law is well settled that the writ Court can not enter into arena of appreciation of evidence. It is also well settled that if the first information report discloses cognizable offence it should not be trusted at the threshold. Therefore, I do not find any merit in this application.

Accordingly, it stands **dismissed**.

However, the petitioner would have liberty to raise his grievance at the appropriate stage of the investigation/trial.

(Birendra Kumar, J)

SA/-

U	✓	T	✓
---	---	---	---

