

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36014 of 2014

Arising Out of PS.Case No. -206 Year- 2011 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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1. Anil Kumar S/o Sri Baidhnath Prasad the then Project Manager, Shyama Power India Limited, Begusarai, at present posted as Project Manager, Shyama Power India Limited at Sheohar, P.S. Sheohar, District Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Electrical Engineer, 5/9 Electric Supply Division, Balia, Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava

For the Opposite Party/s : Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 06-10-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 26.06.2014 passed by the learned Judicial Magistrate, 1st Class, Begusarai in G.R. No. 3541 of 2011 arising out of Sahebpur Kamal P.S. Case No. 206 of 2011 whereby the whereunder the learned Magistrate rejected the petition filed under Section 239 of the Cr.P.C. and refused to discharge the petitioner from the offence under Sections 417, 420 and 120-B of the Indian Penal Code.

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

3. The case has been registered on the basis of written report of Assistant Electrical Engineer, Electricity Supply Sub-



Division, Balia. It has been alleged that this petitioner in the capacity of Project Manager of Shyama Power Indian Ltd. along with other named accused persons illegally collected money from the people belonging to ‘below poverty line category’ for providing them electric connection under Rajiv Gandhi Electrification Scheme. The said F.I.R. was lodged after receipt of complaint of as many as 11 villagers of B.P.L category. The matter was enquired and in course of enquiry, a larger number of witnesses supported the allegation of taking money by the petitioner for providing electric connection. The police submitted charge-sheet against the petitioner and other co-accused. The learned Magistrate after going through the materials on record has rightly refused to discharge the petitioner from the offence under Sections 417, 420 and 120-B of the Indian Penal Code. The defence of the petitioner as regards his false implication on account of lodging F.I.R. against some of the co-villagers of the beneficiaries will be considered at the time of trial.

4. In view of the above facts, I do not find any merit in this application. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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