

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40927 of 2013

Arising Out of PS.Case No. -302 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sheo Ranjan Son Of Rajendra Prasad Resident Of B- 101 Bimalkar Enclave
Harnichak, New Byapass, Anishabad, Patna, P.S- Anishabad Distt- Patna Resent
Posted As Distt- Mid Day Meal Incharge Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Krishna Singh
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

C.A.V. JUDGMENT

Date: 10-05-2017

Heard learned counsel for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 15.06.2010, passed by Judicial Magistrate, 1st Class, Danapur, Patna in Complaint Case No. 302 of 2010, Tr. No. 3020 of 2010, whereby cognizance has been taken against the petitioner for the offences under sections 420, 467, 468, 469 of the Indian Penal Code.

The contention of the learned counsel for the petitioner is that no offence against the petitioner is disclosed and the present prosecution has been instituted with mala fide intention for the



purposes of harassment. Petitioner has passed the order of Mutation and issued correction certificate in the capacity of his official duty. Prior sanction of the Government is necessary for taking cognizance against him, however, without any sanction cognizance has been taken against the petitioner. The present case is purely civil in nature. More over, the order passed by the petitioner is appealable.

From perusal of the material on record and looking into the facts of the case at this stage, the arguments made by the learned counsel for the petitioner has force. Prior sanction of the Government is necessary before taking cognizance. As such, the order taking cognizance is not tenable in law. The same is, hereby, quashed.

The application accordingly stands allowed..

(Arvind Srivastava, J)

Manish/-

AFR/NAFR	AFR
CAV DATE	04.04.2017
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