

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35856 of 2014

Arising Out of P.S.Case No. -41 Year- 2012 Thana -GOGRI District- KHAGARIA

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Rama Shankar Upadhyay (Engineer Fish Directorate) S/o Late Ram Nagina Upadhyay, R/o - Kamakhya Bhawan, Shivpuri, P.S. - Shri Krishna Puri, District-Patna.

.... Petitioner

Versus

1. The State of Bihar &
2. Upendra Narayan Mahto, Deputy Secretary of the Government, Animal and Fisheries Resources Department, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Harish Kumar, Advocate

For the Opposite Parties : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 13-09-2017

This application under Section 482 of the Cr.P.C. has been filed to quash the order dated 19.02.2014 passed by learned CJM, Khagaria in Gogri P.S.Case No.41 of 2012 (G.R.No.444 of 2912) whereby and whereunder the learned CJM finding prima-facie case for the offence under Sections 467, 468, 469, 471, 409 and 420 of the IPC ordered for issuance of summons against the petitioner.

2. Heard both sides and perused the record.

3. The case has been lodged by Animal and Fisheries Resources Department. It has been alleged that under the scheme of National fisherman welfare an amount of Rs.34.50 lacks was sanctioned for construction of 100 quarters, 12 handpump and



community hall over the personal land of fishermen. Out of sanctioned amount, an amount of Rs.27.25 was sanctioned and handed over to the petitioner who was posted as Assistant Engineer. This petitioner did not perform the construction work from the amount received by him. He handed over to the said amount to the then Junior Engineer in the year 1998 and deposited an amount of Rs.7.25 lacs in the bank. The said Junior Engineer submitted bill for an amount of Rs.12,77,814/-. The said bill was returned to Junior Engineer Sri Rajeshwar Singh with a direction to resubmit the same after due correction but till the date even after his retirement, measurement book was not submitted after correction and so this petitioner and said Rajeshwar Singh are liable to pay the total amount of Rs.27.25 lacs with interest for the irregularities and misappropriation of government money.

4. On perusal of case diary, I find that the petitioner was Assistant Junior Engineer and it was his duty to get the measurement corrected and submit the same. The petitioner although retired but during his tenure it remained pending which shows the laches and dereliction on his part. The matter was investigation and his involvement was found in misappropriation of govt. money. The learned Magistrate finding prima-facie case has rightly taken cognizance against the petitioner.



5. In view of above discussions, I do not find any illegality requiring any interference in the impugned order under inherent jurisdiction. This criminal application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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