

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32768 of 2013

Arising Out of PS.Case No. -472 Year- 2012 Thana -BIHTA District- PATNA

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Anjani Kumar Verma, S/O Late Achutanand Sahay, Resident of Mohalla- New Jakkanpur, P.S.- Jakkanpur, Distt.- Patna, Presently Posted As a clerk at Primary Health Centre Bihta, P.S.- Bihta, Distt.- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Dr. Prashant Kumar S/O Not Known The Medical Officer In - Charge, Primary Health Centre, Referral Hospital, P.S.- Bihta, Distt.- Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Mahendra Thakur, Advocate.

For the Opposite Parties : Ms. Veena Kumari Jaiswal, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 25-04-2017

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

2. The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure (hereinafter to referred as the 'Code') to quash the FIR of Bihta P.S. Case No. 472 of 2012 registered under Section 409 of the Indian Penal Code.

3. The medical officer, Bihta Primary Health Centre alleged in his letter, in pursuance of the letter issued by Civil Surgeon, Patna, that in spite of several reminders the petitioner did not handover the charge to his successor and he got missing all the records, which were in custody of the petitioner, on such Bihta P.S.



Case No. 472 of 2012 was registered.

4. Sri Mahendra Thakur, learned counsel for the petitioner submits that no offence under Section 409 of the Indian Penal Code is made out. The petitioner has already returned the entire documents and the police has not submitted the charge sheet as yet.

5. From perusal of the contents of the FIR, itself, I find that the petitioner is alleged to have taken away the official records on such the FIR was registered. The investigation is still going on and I find no reason to interfere in the investigation but while I was dictating the order, the learned counsel for the petitioner seeks permission to withdraw this quashing petition with liberty to raise all these points after submission of the report under Section 173 (2) of the Cr.P.C.

6. Accordingly, the quashing petition is disposed of as withdrawn with liberty to raise all the points at an appropriate stage.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.05.2017
Transmission Date	

