

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46898 of 2014

Arising Out of PS.Case No. -168 Year- 2008 Thana -PAROO District- MUZAFFARPUR

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Randhir Kumar S/o Sri Indradeo Prasad at present Panchayat Rojgar Sewak Gram
Panchayat Raj Parod Uttari, District Muzaffarpur, R/o Village Hilsa, P.S. Hilsa,
District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 16-10-2017

This petition has been filed under Section 482 of Code of Criminal Procedure for quashing the order dated 28.04.2011 passed by the learned Chief Judicial Magistrate, Muzaffarpur, taking cognizance against the petitioner under Sections 406, 409 and 418 of the I.P.C. in Paroo P.S. Case No. 168 of 2008.

2. Briefly stated, the facts of the case is that one Ram Niwas Tiwary gave a written application to the Project Officer, Paroo and one written complaint was also sent to Paroo Police station and same was registered as Paroo P.S. Case No. 168 of 2008 instituted for the offences under Sections 406, 409 and 418 of the I.P.C. and after investigation police has submitted charge sheet against the petitioner and other accused and learned court below took cognizance of the



offence, which is impugned in this petition.

3. It has been alleged in the written complaint that in the Gram Panchayat Paroo Scheme for the year 2007-08 Yojna No. 1 for Rs. 42,540/- and Gram Panchayat Yojna No. 2 for Rs. 55,863/- was executed in which after measurement the Junior Engineer found the work done in Yojna No. 1 of Rs. 20,900/- and Yojna No. 2 of Rs. 31,632/-.

4. The allegation against the petitioner is misappropriation of Rs. 18,576/- and Rs. 24,979/- and excess money was withdrawn by the petitioner and Mukhiya of the Gram Panchayat Raj, Paroo. It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. The petitioner is a Panchayat Rojgar Sewak of Gram Panchayat Raj, Paroo. It has been submitted by the petitioner that he was suffering from Jaundice from 15.06.2008 and in his absence his room met namely, Arun Kumar, Panchayat Rojgar Sewak in collusion with the informant opened his box and stole away documents/papers etc. for which he has filed a complaint case No. 1771 of 2008 against the informant and Arun Kumar in the Court of S.D.J.M., Muzaffarpur, West. In Gram Panchayat Raj Paroo Yojna Nos. 1 and 2 work was fully done in the absence of petitioner and Mukhiya and the said matter was enquired by the concerned Junior Engineer but Junior Engineer has not submitted M.B. report



because he demanded 20% commission for the said work and petitioner has already made complaint to the Higher authorities against the Junior Engineer. The work was completed in March 2008 and measurement of work was done in October, 2008 after rainy season, as such some discrepancy in measurement was bound to happen.

5. The accused persons have already deposited Rs. 23,555/- and Rs. 20,000/- in Punjab National Bank, Paroo Branch, as such prosecution against petitioner be quashed.

6. At this stage defence of petitioner cannot be examined, the petitioner is at liberty to raise all the points and defence as raised in this petition before the Trial Court at the time of consideration of his discharge petition framing of charge, the order passed by the court below cannot be interfered at this stage and, as such, liberty granted to petitioner to raise all issues raised in this petition at subsequent stage of trial.

7. With the said observation and liberty, the present petition is disposed of.

(S. Kumar, J)

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Uploading Date	
Transmission Date	

