

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.43758 of 2011**

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

=====

Shashi Kant Singh @ Shrikant Singh @ Pokhan Singh, s/o late Hari Nandan Singh,  
resident of village- Maranchi, P.S.- Maranchi, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Brij Kishore Singh, son of late Ayodhya Singh, resident of village Maranchi,  
P.S. Maranchi, in the district of Patna.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Advocate.  
Mr. Rajendra Kumar, Advocate.  
For the opposite party No.2 : Mr. Mritunjay Kumar, Advocate.  
For the State : Smt. Madhuri Lata, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 21-11-2017**

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 18.11.2011 passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Barh, in Maranchi P.S. Case No. 24 of 2005, giving rise to G.R. No. 372 of 2005 by which the learned Magistrate has refused to discharge the petitioner for the offence punishable under Sections 467, 468 and 420 of the Indian Penal Code.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party No. 2 and learned counsel for the State.

3. Learned counsel for the petitioner has submitted



that name of this petitioner is Shashikant Singh @ Srikant Singh @ Pokhan Singh. The petitioner has mentioned in paragraph-8 of his petition that petitioner was known as Pokhan Singh in the childhood and subsequently he was named as Shrikant Singh and finally when he was admitted in Class –X, he was named as Shashikant Singh. This petitioner had not changed his name and never cheated any authority or any person due to change of his name as Shashi Kant Singh, prior to his matriculation examination.

4. The police has after investigation submitted charge sheet against this petitioner in the name of Shashi Kant Singh @ Srikant Singh @ Pokhan Singh and, accordingly, cognizance has been taken against the petitioner by the aforesaid name.

5. The petitioner has filed discharge petition before the court below which was dismissed by order dated 18.11.2011.

6. Learned counsel for the petitioner has referred to various certificates right from matriculation up to passing his B.Sc. and also certificate submitted at the time of his retirement, which is evident from paragraphs 10 to 19 of the petition. It has further been submitted that as per Bihar School Examination Board School certificate the name of the petitioner is Shashikant Singh. Similarly, the certificate of Intermediate Science examination was issued by Bihar University in the name of Shashi Kant Singh. The petitioner has



also passed B.Sc Part-I examination from Begusarai in the year 1962 and after completion of BSC 3<sup>rd</sup> part, a certificate was issued by Bihar University describing the name of the petitioner as Shashikant Singh. He has passed his B.Sc examination in the year 1965. The certificate has been issued by the Bhagalpur University describing the name of this petitioner as Shashikant Singh. The petitioner was appointed as Assistant Teacher on 13<sup>th</sup> July, 1967 in Sri V.B.S. Girls High School, Bihat, Munger. The appointment letter was issued by the Secretary V.B.S. Girls High School, Bihat, Munger, in the name of petitioner as Shashikant Singh. The identity card issued by the Election Commission of India being numbered as KDG0135293 bear the name of petitioner as Shashikant Singh. The income tax department also issued PAN No. in the name of Shashikant Singh. The Pension Payment Order No. was issued by the Accountant General (A &E)-II, Bihar, Patna, with respect to the petitioner describing his name as Shashikant Singh.

7. Learned counsel for the opposite party No. 2 has appeared and submitted that petitioner has submitted forged document (Annexure-10) which is identity card issued by the Election Commission of India. He has pointed out page 57 of running page wherein in the earlier voter list the name of petitioner was described as Srikant Singh, son of Harinandan Singh and the number of identity



card issued by the Election Commission of India is same as mentioned in Annexure-10 which was issued in the year 2002. The voter identity card issued by the Election Commission of India vide Annexure-10 showing the name of the petitioner as Shashikant Singh, is not a genuine document.

**8.** The court finds that main allegation made in the written report is that the petitioner had passed matriculation high school examination from High School Maranchi in the district of Patna in the year 1959 in the name of Shashikant Singh. He undertook his higher study and secured degree in the higher education and appointed as Assistant Teacher in Ram Chalitra Singh, Balika Ucha Vidyalaya, Bihar, Barauni, in the name of Shashikant Singh. It has been submitted that petitioner was known as Pokhan Singh when he was child.

**9.** The counsel for the petitioner has submitted that in the childhood the petitioner was called in the village as Pokhan Singh. Thereafter, he was called by the name Shashikant Singh and subsequently, he was named as Srikant Singh. Finally, when he was admitted in Class-X, he was named as Shashikant Singh. The name of this petitioner in written report remained the same. The other names like Srikant Singh or Pokhan Singh was just alias name of this petitioner. It has been submitted that no forgery has been committed



by this petitioner.

**10.** Section 227 Cr. P.C. lays down as follows:

*227. Discharge. – If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.*

**11.** In the instant case from the various documents filed on behalf of the petitioner as mentioned above, this Court finds that this petitioner has been known since the time of his matriculation examination by the name Shashikant Singh. The petitioner was earlier known by his alias name as Pokhan Singh as well as Srikant Singh. The police after investigation, submitted charge sheet against the petitioner describing his name as Shashikant Singh @ Srikant Singh @ Pokhan Singh and cognizance has also been taken against the petitioner in the same name.

**12.** Therefore, this Court finds that no forgery has been committed by the petitioner while passing the matriculation and other examination or at the time of getting appointment. As



such, there is no sufficient ground for proceeding against the petitioner in criminal proceeding. The continuance of criminal proceeding will be merely harassment to the petitioner and abuse of process of Court.

**13.** Accordingly, the impugned order dated 18.11.2011 passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Barh, in Maranchi P.S. Case No. 24 of 2005, giving rise to G.R. No. 372 of 2005 is hereby set aside. The petitioner is discharged from the offence levelled against him.

**14.** This Criminal Miscellaneous application is accordingly allowed.

**(Sanjay Priya, J)**

S.Ali/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | AFR        |
| CAV DATE          | N.A.       |
| Uploading Date    | 08/12/2017 |
| Transmission Date | 08/12/2017 |

