

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18879 of 2014

Arising Out of PS.Case No. -13 Year- 2013 Thana -KHAJALI District- MADHUBANI

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Rajendra Mahra Son of Late Kamal Mehra Resident of Village - Aurahi, P.S.-
Babubarhi, District -Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ankit Katriar, Advocate
		Mr. Ratnakar Jha, Advocate
For the State	:	Mr. Ajay Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 16-08-2017

Heard learned counsel for the petitioner and the learned
APP appearing on behalf of the State.

2. The petitioner has filed this application under Section
482 Cr.P.C., 1973 seeking for setting aside order dated 05.07.2013,
passed by learned Chief Judicial Magistrate, Madhubani in Khajauli P.S.
Case No.13 of 2013 where he has taken cognizance of the offence under
Sections 409 and 420 of the Indian Penal Code.

3. The allegation, as stated in the First Information
Report, is that the Chairman of the Vidyalaya Shiksha Samiti, Utkramit
Madhya Vidyalaya, Marukia by lodging the present First Information
Report has stated that at 11.30 A.M. on 21.02.2013, petitioner Rajendra
Mahra, the Headmaster of the said school, along with cook Nirmala Devi
was taking away one bag of rice on the bicycle from the premises of the
school. People followed him and he had taken the rice bag to his house



thereafter changed it at his house and was going to sell it in the market and 30 Kgs. of rice kept in the plastic bag was recovered from his possession.

4. Learned counsel for the petitioner submits that the allegation is unfounded, departmental proceeding was initiated, enquiry was conducted by the department and in the said enquiry, petitioner was exonerated from the charges. It is also submitted that there are some contradictory statements of the witnesses at the investigation stage and the petitioner has been sufficiently punished as he has remained in custody during investigation period for a period of 1½ month.

5. Having considered rival submissions and gone through the materials on record, the Court finds that during investigation police has collected evidence in support of the allegation and submitted charge-sheet too. The grounds taken by the petitioner for quashing the entire criminal proceeding is not to be taken consideration of as on those grounds the criminal proceedings cannot be quashed so finding no merit, the application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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