

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30898 of 2010

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

=====

Dr.Hari Narayan Thakur, son of Late Vidyanand Thakur, residing at Sankat Mochan Dham, P.O.- Lalbagh, P.S.- L.N.M. University Campus, District-Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
 2. Inspector of Police, Criminal Investigation Department (Food), Bihar, Patna.
- Opposite Party
- =====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 22-06-2017

This quashing petition is preferred against the order dated 13.5.2010 passed in Cr. Revision No.17 of 2010 by the learned Sessions Judge, Darbhanga in L.N.M.U. P.S. Case No.138 of 1986/G.R. No.2697 of 1986 whereby rejected application for discharging the petitioner from the said case.

2. Learned counsel appearing on behalf of the petitioner submits that the impugned order is a non-speaking order charge sheet was submitted under Sections 420, 466, 467, 468, 471 and 120(B) of the Indian Penal code against five accused persons including the petitioner and the allegation in brief is that a fake University in the name of Mithla Vishwa Vidyapith was run by the accused persons and also used to give recognition to colleges and conducting examination



and issuing fake degrees. During investigation, no incriminating material was collected against the petitioner. Neither he was holding any post nor any degree signed by him was found by investigating agency save and except his name appears in the F.I.R. accused column and suspicion is raised because being brother of one of the named accused Divraj Saudilya. However, similar case was instituted in the State of Andhra Pradesh as there are institution was recognized by Mithla Vishwa Vidyapith a false University and for issuing fake certificate. In the Trial No.318 of 1997 (split up from main C.C. 409 of 1993) only this petitioner appeared and put on trial but was acquitted by the trial court, so this petitioner further cannot be put on trial in view of Section 300(1) of Cr.P.C. because the charges are almost similar in nature. However, the impugned order is non-speaking not even paragraphs of the diary is referred.

3. Learned A.P.P. submits that there is material in the case diary.

4. Having considered the aforesaid submissions, I am of the view that the impugned order is a non-speaking order, not referring any paragraph of the case diary showing evidence transpiring against the petitioner-accused during investigation; so the impugned order is a non-speaking order, accordingly it is set aside and the matter is remanded back to pass afresh reasoned order



preferably within a month of the receipt of the order.

5. Accordingly, this application stands disposed of.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-07-2017
Transmission Date	14-07-2017

