

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52338 of 2013

Arising Out of PS.Case No. -83 Year- 2010 Thana -KAUAKOL District- NAWADA

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1. Ambika Paswan Son Of Late Dukhan Paswan Resident Of Village- Dudhpania,
P.O. Madhurapur, P.S.- Kawakole, District- Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. Chote Narayan Singh, Then Headmaster, Government Middle School Kauakol,
P.S.- Kawakol, Distt. Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Coudhary

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL JUDGMENT

Date: 18-01-2017

Heard

The petitioner has challenged the order dated 05.08.2013 taking cognizance passed in Kawakol PS case no. 83 of 2010 by which cognizance has been taken against the petitioner under Sections 409 and 420 of Indian Penal Code passed by learned C.J.M. Nawada.

The prosecution story in short is that B.D.O. Kawakol has lodged a complaint on 24.07.2010 against Headmaster, Government Middle School, Kawakol alleging that when he went to Headmaster to enquire about mid-day meal, the Headmaster told that he had no rice but when the godown of the school was enquired, 63



bags of rice were found, out of 30 bags were in good condition and 33 bags were damaged due to negligence but in stock register, balance is shown as nill.

On the basis of aforesaid complaint, FIR was lodged, on the basis of which, Kawakol PS case no. 83 of 2010 has been instituted and police, after investigation, has found the case not true against Chhote Narain Singh, Headmaster, Government Middle School, however, submitted charge-sheet against this petitioner and the learned court below has taken cognizance against this petitioner under Section 409, 420 of Indian Penal Code.

The aforesaid order taking cognizance, is under challenged in the present application.

It is submitted on behalf of petitioner that from perusal of FIR, it appears that there is nothing against the petitioner and allegations are against Chhote Narain Singh but instead of that, no charge sheet had been submitted against Chhote Narain Singh and instead of that, order taking cognizance has been passed against this petitioner.

Learned counsel for petitioner tried to draw the attention of the court to some documents issued by government officials which are annexed to this application but it is not proper stage to look into these documents rather it will be proper for the



petitioner to raise all the grievances at the time of framing of charge and the learned court below will look into the matter, peruse the materials available and will dispose of the application of the petitioner by reasoned order.

With these observations, this application is disposed of.

(Vinod Kumar Sinha, J.)

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CAV DATE	
Uploading Date	
Transmission Date	

