

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32251 of 2014

Arising Out of PS.Case No. -100 Year- 2011 Thana -KHAGAUL District- PATNA

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Prabha Narayan Shahu D/o Late Ram Narayan Shahu Resident of village/Mohalla-Saidpura, P.S.- Khagaul, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Manoranjan Kumar Singh Son of Late Shanti Swaroop Singh @ Tater Singh resident of Bari Khagoal, P.S.- Khagoal, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Arvind Prasad Singh, Advocate
		Mr. Suresh Singh, Advocate
For the State	:	Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 04-08-2017

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State on the point of admission of this quashing application.

2. The petitioner has filed quashing application for setting aside order dated 19.4.2014 passed by Judicial Magistrate 1st Class, Danapur, District- Patna in Khagaul P.S. Case No.100 of 2011 whereby discharge petition filed under Section 239 of the Cr.P.C. was rejected.

3. Learned counsel for the petitioner submits that the petitioner has purchased the land from the holder of Power of Attorney Ganesh Chandra Sharma after paying consideration money.



However, learned Additional Public Prosecutor submits that prima facie case is made out against the petitioner also. Police after investigation has also submitted charge sheet against him having sufficient ground for prosecution so discharge petition was rejected.

4. Having considered the said submissions and on perusal of record, it appears that the allegation is that two forged Power of Attorney was created by Ganesh Chandra Sharma with respect to the same land of the informant. It is alleged that on the very basis of forged Power of Attorney the petitioner having in conspiracy with Ganesh Chandra Sharma, got the sale deed executed by him in his favour, so considering the allegation levelled in the F.I.R. as well as the police report submitted after investigation having prima facie material on record cognizance in the case has been taken. Hence in this view of the matter finding no ground for interfering with the impugned order this quashing application is dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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