

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50864 of 2013

Arising Out of PS.Case No. -1 Year- 2004 Thana -BALRAMPUR District- KATIHAR

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Jyotish Kumar Bhagat son of Late Ram Prasad Bhagat, resident of Mohalla –
Goshala, P.S.- Katihar, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Katihar
3. The Additional Collector, Katihar
4. The S.P. Katihar
5. The B.D.O. Balrampur, District - Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the State : Mr. A.M.P.Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 18-08-2017

Despite repeated calls, no body appears to press this application.

2. By way of the present application preferred under Section 482 of the Code of Criminal Procedure (for short ‘CrPC’), the petitioner has prayed for quashing of the order dated 18.06.2007 passed by the learned Judicial Magistrate, 1st Class, Katihar in Balrampur P.S. Case No.01 of 2004 by which charges have been framed against him for the offences punishable under Sections 420 and 409 of the Indian Penal Code (for short ‘Penal Code’).

3. The case is based on the official communication made by



the Block Development Officer, Balrampur, Katihar leading to lodging of the first information report (for short 'the FIR') against the petitioner, the Revenue Clerk, under Sections 420 and 409 of the Penal Code on the allegation that after the petitioner was suspended on account of alleged irregularity, the stock of wheat allowed to the petitioner for distribution under a Government scheme was subjected to verification and preparation of inventory was done on various dates mentioned in the FIR allegedly in presence of the petitioner and, thereafter, a shortage of 1425.165 quintals of wheat was detected. Thereafter, the Block Development Officer sent the written report leading to lodging of the FIR. After institution of the police case, investigation was conducted and on completion of investigation, allegations made in the FIR were found to be true. Accordingly, charge-sheet was submitted against the petitioner.

4. On perusal of the police report submitted under Section 173(2) of the CrPC, the learned Magistrate took cognizance of the offences, which was challenged by the petitioner before this Court vide Cr. Misc. No.20412 of 2006. This Court took note of the various submissions made by the learned counsel for the petitioner and vide order dated 19.09.2006 dismissed the aforesaid Cr. Misc. No.20412 of 2006.

5. Thereafter, finding sufficient materials to proceed with



the trial, the learned Magistrate framed charges under Sections 420 and 409 of the Penal Code against the petitioner vide order dated 18.06.2007.

6. The aforesaid order dated 18.06.2007 is under challenge in the present application.

7. From perusal of the materials available on record, I am of the opinion that ample materials against the petitioner were found during investigation. In such view of the matter, if the court has framed charges against the petitioner, no illegality can be found with the impugned order. Moreover, the charges were framed in June, 2007. More than ten years have passed since then. There is no order of stay in favour of the petitioner. In that view of the matter, it is not known what is the present stage of the trial.

8. Be that as it may, I see no merit in this application. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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