

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50868 of 2013

Arising Out of PS.Case No. -70 Year- 2012 Thana -BIND District- NALANDA (BIHARSHARIFF)

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Krishna Nandan Prasad, Son of Late Rajeshwari Prasad Singh, Resident of Village
- Muraura, P.S. Bihar, District - Nalanda, at Present Panchayat Secretary, Rukhai
Gram Panchayat, P.S. Chandi, District - Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Pd. Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar-3, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 23-05-2017

Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner under Section 482 of the Code of Criminal
Procedure (hereinafter referred to as the Cr.P.C.) seeks quashing of
the order dated 12.07.2013, passed by the learned Chief Judicial
Magistrate, Nalanda at Biharsharif, in Bind P.S. Case No. 17/12, G.R.
No. 1644/2012 whereby cognizance for the offence punishable under
Sections 420, 406, 368, 409/34 of the Indian Penal Code has been
taken against the petitioner and 8 other accused persons.

The allegation against the petitioner, as alleged by the
Block Development Officer, Bind, is that the petitioner while working
on the post of Panchayat Secretary has disbursed various amount to
six beneficiaries under Indira Awas Yojna on the basis of false



affidavit of those six beneficiaries, for which an enquiry was conducted and a report was submitted by the Director, District Rural Development Department, Nalanda to the Deputy Development Commissioner, Nalanda by which the said facts have surfaced.

It has been submitted by the learned counsel for the petitioner that for the same set of charges a departmental proceeding has been initiated against the petitioner, and, as such, prays for quashing of the order taking cognizance, although by way of supplementary affidavit, it is submitted that the charge-sheet has been submitted against the petitioner vide Charge-sheet No. 51/13 on 28.06.2013 and consequently charges have been framed on 22.01.2015.

However, learned counsel appearing on behalf of the State opposes the prayer.

Considering the facts and circumstances and the materials on record, I find that there are sufficient ingredients for making out a cognizable offence.

This application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2017
Transmission Date	NA

