

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50080 of 2013

Arising Out of PS.Case No. -10 Year- 2011 Thana -BRAHMPUR District- BUXAR

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Sanjay Kumar, Son of Deena Nath Prasad, R/o Village-Sareja, P.S.- Rajpur,
District-Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-06-2017

On repeated calls, nobody appears to press the application.

2. By order dated 17.01.2017, this Court had directed the petitioner to file supplementary affidavit stating the stage of trial. The said order has not been complied with. Even on 22.05.2017, when the matter was taken up, nobody had appeared to press the application.

3. I have perused the application filed under Section 482 of the Code of Criminal Procedure (for short 'Cr. P.C.') on behalf of the petitioner wherein a prayer has been made for



quashing of the order dated 13.09.2013 passed by the learned Judicial Magistrate-1st Class, Buxar whereby the application filed under Section 239 of the Cr.P.C. seeking discharge from Brahampur (Nainijor) P.S. Case No. 10 of 2011 has been dismissed.

4. The petitioner has been made an accused in Brahampur (Nainijor) P.S. Case No. 10 of 2011 dated 15.01.2011 registered for the offence punishable under Sections 167, 406, 409, 417, 418, 420, 421, 467,468/34 of the Indian Penal Code.

5. The allegations made in the FIR do attract the ingredients of the offences alleged. The allegations were found true in course of investigation pursuant to which the police submitted charge-sheet under Sections 167, 406, 409, 417, 418, 420, 421, 467,468/34 of the Indian Penal Code against the petitioner and two others, namely, Surendra Sah @ Surendra Kumar Sah and Jarnardan Kumar. Thereafter, the learned Judicial Magistrate vide order dated 02.06.2012 took cognizance of the offence.

6. At the stage of framing of charge, a petition under Section 239 of the Cr. P.C. was filed seeking discharge from the case taking a plea that there is no material against the petitioner on the basis of which he could be put on trial. The learned Magistrate has passed a reasoned order rejecting the application filed by the petitioner.



7. I have perused the order dated 13.09.2013. I find that it is a case of loot of public money in which the active participation of the petitioner was established during investigation. The learned Magistrate has recorded in the impugned order that there are several materials in paragraph nos. 4, 6, 16, 17 to 30, 42, 46, 58, 59, 64, 65, 80, 82, 83, 95, 97, 103, 106, 109, 110, 114 and 120 of the case diary highlighting the culpability of the petitioner.

8. In that view of the matter, I see no illegality in the order impugned.

9. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2017
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