

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40083 of 2013

Arising Out of PS.Case No. -130 Year- 2011 Thana -NAWADA District- NAWADA

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Arbind Kumar S/O Late Babu Lal Sao R/O Hisua Teli Tola, P.S. Hisua, District
Nawada.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyaya, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 10-04-2017

Heard learned counsel for the petitioner as well as
learned A.P.P.

2. The petitioner filed this petition under Section 482 of
the Cr. P.C. (hereinafter referred to as the 'Code') for quashing the
order dated 18.08.2011 passed by the learned Judicial Magistrate Ist
Class, Nawada whereby the petition of the petitioner for his discharge
has been dismissed. The petitioner further seeks quashing of the order
dated 23.03.2013 passed by the Additional Sessions Judge, Nawada in
Cr. Revision No. 52/2011 by which the revision petition of the
petitioner against the order dated 18.08.2011 has also been dismissed.



3. The brief facts which are relevant for the disposal of this quashing petition are that the informant alleged that on 26.02.2011 he went to the office of Manav Muskan Sansthan, Nawada and found that the office was closed. Many people had assembled there. It transpired that President of the Sansthan Lanil Tiwari @ Anil Tiwari and 13 other persons including the petitioner were illegally running the Sansthan and extracting money from people for providing job and on other pretext. The accused persons fled away after closing the office of Sansthan. The accused persons fled away after collecting crores of rupees from different persons of the locality. On such the police registered Nawada Town P.S. Case No. 130/2011 under Sections 420, 419, 406, 467, 468, 471, 120(B) and 34 of the Indian Penal Code. The police after investigation submitted final form finding the case true against the petitioner and others, thereupon cognizance of the offence was taken. The petitioner filed a petition under Section 239 Cr.P.C for his discharge on the ground that there is no chit of paper to show that the petitioner cheated anybody or forged any document.

4. Learned Judicial Magistrate, Nawada after hearing the petitioner dismissed the petition of the petitioner for his discharge on 18.08.2011. The petitioner preferred Cr. Revision No. 52/2011 against the order of learned Judicial Magistrate, Nawada dismissing the



petition for discharge of the petitioner and the learned Additional District & Sessions Judge, Nawada also dismissed the revision petition and thereafter, the petitioner filed petition for quashing of the aforesaid office order.

5. Learned counsel for the petitioner submits that both the orders are bad on the simple ground that the informant neither collected any evidence against the petitioner nor submitted any chit of paper to show that on the basis of forged documents the petitioner cheated the informant and others. The petitioner did not collect any money from any of the person of the locality. The status of the petitioner is similar to that of the informant who was also a member of the Sansthan, but from perusal of the order of the learned Judicial Magistrate, Nawada as well as the case diary handed over to the court by the leaned counsel for the petitioner, it appears that the informant and other witnesses have stated that the petitioner and other office bearers of Manav Muskan Sansthan collected money from different people on the pretext of providing job to them. Almost all the witnesses have reiterated the facts that the petitioner and other accused persons also collected money from different persons.

6. Having considered the facts aforesaid, I do not find any illegality in the orders dated 18.08.2011 passed in Nawada P.S. Case no. 130/2011 and order dated 23.03.2013 passed in Cr. Revision



No. 52/2011. Accordingly this quashing petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05/05/2017
Transmission Date	05/05/2017

