

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.797 of 2018

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Vishwanath Purbey, Son of Late Ram Avtar Purbey, EX. In-charge Head Master, New Primary School, Yogiya Garh Pasaraniyan Ladaniyan, Resident of Village- Sidhpakla, P.S.- Ladaniyan, District- Madhubani, At resident of N.H.- 142, Kunwar Singh Chowk, Near Main Road, Jai Nagar, P.S.- Jai Nagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Superintendent of Education-cum-District Programme Convener, Madhubani.
4. The District Programme Officer, Primary Education & Sarv Shiksha Abhiyan, Madhubani.
5. The Block Education Officer, Ladaniyan, Madhubani.
6. The Officer In-charge, Ladaniyan Police Station, Madhubani.
7. Sri Ranjit Kumar Paswan, In-charge Head Master, New Primary School, Yogiya Garh Pasaraniyan, Ladaniyan, Son of name known.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Respondent/s : Mr. Ashutosh Ranjan Pandey (Aag-15)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 26-07-2018 It appears that the petitioner is seeking quashing of the First Information Report being Ladaniyan P.S.Case No.42 of 2017 dated 25.03.2017 registered for the offences under Sections 188, 409/34 of the Indian Penal Code.

Going through the averments made in the writ application it appears that while the F.I.R has been lodged against the petitioner alleging that the petitioner being In-Charge Headmaster of the concerned Primary School had withdrawn



money for construction of the school in question but had not completed the construction and had also not handed over the charge including the cash amount prior to his retirement from service on 31.01.2014. The petitioner has come out with some defence giving explanations by way of producing certain memos and other materials with the writ application.

In the opinion of this Court, the documents annexed with the writ application in defence cannot be examined by this Court sitting in its writ jurisdiction. At this stage, the Court does not find any reason to stop the investigation at its threshold and, therefore, without making any indulgence in the matter, at this stage, this Court leaves it open for the petitioner to challenge the order taking cognizance and issuance of summon if after final investigation the petitioner is summoned by the Court below.

The writ application stands disposed off with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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