

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40806 of 2016

Arising Out of PS. Case No.-654 Year-2013 Thana- DEHRI TOWN District- Rohtas

Umesh Prasad Singh @ Umesh Kumar Singh son of Late Ram Nagina Singh,
resident of Village- Hafijpur Karmaur, P.S.- Pandarakh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 17-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 30.06.2016 passed by the S.D.J.M., Dehri-on-son (Rohtas) in Dehri (Town) P.S. case no. 654 of 2013 (GR No.1236 of 2013) by which learned Magistrate has taken cognizance for the offence under Sections 467, 468, 471 and 420 of the IPC against the petitioner.

Heard learned counsel for the petitioner and State.

The prosecution case as per the written report is that A.S.I. of Dehri (Town) Police Station, who is the informant of the present F.I.R. has submitted a self written report before the S.H.O. of Dehri (Town) Police Station stating *inter alia* that petitioner who was the Inspector of the State SPCA (Society for the Prevention of Cruelty of Animals) a letter bearing Memo No.2551/L-1 dated 19.08.2013 was issued by the Assistant to



Inspector General of Police (Q) Bihar, Patna to the Superintendent of Police, Rohtas that work of Inspector of SPCA may be taken from the petitioner.

It is further alleged that vide letter no. 3469 dated 28.8.2013, the S.P. Rohtas sent a letter to the Inspector General of Police (Q), Bihar, Patna and sought for a guideline with regard to genuineness of letter bearing Memo no. 2551/L-1 dated 19.8.2013 as some doubt/confusion is created by letter no. 61 dated 28.8.2013 issued by the Secretary of the State SPCA, Bihar, Patna

It is further alleged that vide memo No.3911/L-1 dated 03.09.2013, the assistant to Inspector General of Police (Q) Bihar, Patna informed the S.P., Rohtas that Memo No.2551/L-1 dated 19.08.2013 has not been issued from his office with respect to the petitioner. In the verification, it was found that neither there is proposal of the said letter nor it has been issued from the police headquarter. Hence, the matter was very serious. It is further alleged that in pursuance of Memo No.3646 dated 6.9.2013 issued by the S.P., Rohtas to the S.H.O., Dehri, an enquiry was conducted by the informant who found that fake letter bearing Memo No.2551/L-1 dated 19.08.2013 was prepared by the petitioner by making false letter No. of office of Inspector General of Police, Bihar, Patna which is a cognizable offence and thereafter the FIR was lodged.



Police after investigation has submitted charge-sheet against this petitioner after finding sufficient material against him.

The learned court below after looking into the allegation in the written report and the material available in the case diary has taken cognizance against the petitioner.

The Court below is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned order passed by the Court below.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.

The petitioner is given liberty to raise all the points, as raised in the present application, at the time of framing of charge, which shall be considered and disposed off by the learned court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.9.2018
Transmission Date	26.9.2018

