

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13055 of 2015

Arising Out of PS.Case No. -485 Year- 2013 Thana -KOTWALI District- PATNA

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Dr. (Smt.) Gunjan Sharma, wife of Dr. Anil Kumar Sharma, resident of House No.4M/80, Bahadurpur Housing Colony, Bhoot Nath Road, Patna, P.S.-Agam Kuan, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Avinash Kumar Singh, Director, Rural Planning, Patna Municipal Corporation, Maurya Lok, Block-C, II Floor, Patna-800001

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmodd, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-04-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 27.02.2015 passed by the Judicial Magistrate, 1st class, Patna, in Kotwali P.S. Case No.485 of 2013 by which the learned Magistrate has rejected the petition filed by the petitioner for his discharge.

Allegation in the written report filed by the Director, Urban Planning, is that forgery has been done by this petitioner and Developer in getting approval of the map in sanctioned plan of registered Architect, Alok Kumar, having registration no.04 of 2009, dated 13.05.2013 vide plan case as mentioned in the written report. It is further alleged that planning recommendation with approved map does not bear signature of the informant and on other



concerned document at the place of applicant's name, name of the petitioner is mentioned, but at the place of deponent, there is no signature of this petitioner, rather, signature is of Developer.

Counsel for the petitioner has submitted that the petitioner has entered into agreement with Developer vide Annexure-2 by which all the work was to be done by the Developer. All these forgeries if, at all, has been done, is the work of Developer. Counsel for the petitioner has further submitted that in the concerned document the Developer has done all the wrong acts as he has mentioned name of the petitioner in the body of the Affidavit, undertaking and other documents as annexed with the written report, but there is no signature of the petitioner in the column of deponent, rather, Developer himself has signed on those papers. The Court below has rejected the petition filed by the petitioner on the ground that witnesses have supported the allegation against the accused persons in the case diary.

Learned APP after looking into the case diary has submitted that witnesses have levelled specific allegation against this petitioner as well as Developer in committing such illegal act.

This Court finds from First Information Report of the instant case that alleged forgery was committed in the year 2013. As submitted on behalf of petitioner, in the event forgery was



committed by Developer, then no action has been taken by the petitioner against the Developer till date.

The Case diary has been received. The learned APP has submitted that in para 7, 8 and 9 of the Case diary, Jr. Engineer, Draftsman and Computer Operator of the Patna Municipal Corporation have all stated before the police about illegal act committed by this petitioner and the Developer in getting the map sanctioned on the basis of forged signature and also by producing forged documents.

In view of such, this Court does not find any illegality in the impugned order passed by the learned Court below by which discharge petition has been rejected.

This application is, accordingly, **dismissed**.

The Court below is directed to proceed with the trial in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	11-04-2018
Transmission Date	11-04-2018

