

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47672 of 2014

Arising Out of PS.Case No. -180 Year- 2011 Thana -PRANPUR District- KATIHAR

- =====
1. Mujibur Rahman, S/o Reyajuddin, resident of village Teliabad, Police Station Prampur, District Katihar.
 2. Mahendra Rai, S/o Late Banshi Lal Rai, resident of village Kurum, Police Station Ballia Belon, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vijay Yadav, s/o late Moti Yadav, resident of village Kathghar, Police Station Panpur, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate.
For the informant : Mr. Dhananjay Kumar, Advocate.
For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 25-06-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 09.09.2013 passed by the learned Chief Judicial Magistrate, Katihar, in Prampur P.S. Case No. 180 of 2011 by which the learned Magistrate took cognizance against the petitioners and other accused persons for the offences under Sections 467, 468, 471, 406 and 420 of the Indian Penal Code.

2. The allegation in the written report is that one Gaya Devi who was Ward member of Patharwar Panchayat took the photographs of his sister and withdrew the amount allotted in her



name from the Central Bank of India, Pranpur Branch, under *Indra Awas Yojana*. It is further alleged in the written report that aforesaid Gaya Devi has withdrawn the amount of *Indra Awas Yojana* of different other persons also in fictitious manner as mentioned in the written report.

3. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

4. Learned counsel for the petitioners has submitted that petitioners are not named in the written report. The name of the petitioners have come during investigation.

5. Learned A.P.P. has submitted that petitioner No. 1 was Mukhiya of Raj Patharwar Panchayat and petitioner No. 2 was Panchayat Secretary at the relevant time. There is signature of both petitioners on the cheque issued in the name of Gaya Devi.

6. The police after investigation has found sufficient material against the petitioners with regard to defalcation of Government money and such withdrawal and has submitted charge sheet against the petitioners also along with Gaya Devi.

7. The court below has after looking into the materials available in the case diary took cognizance against the petitioners along with other accused persons for the offence under Sections 467, 568, 471, 406 and 420 of the Indian Penal Code.



8. The court below is only required to see prima facie case at the time of taking cognizance.

9. Learned counsel for the petitioners has submitted that compromise petition has been filed by the Complainant of this case.

10. This Court finds from the allegation in the First Information Report that besides the informant several other persons have also been cheated by the petitioners.

11. Therefore, this Court does find any illegality in the impugned order passed by the court below.

12. This Criminal Miscellaneous application is accordingly dismissed.

13. The petitioner is directed to raise all the points as raised in this application at the time of framing of charge which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07/2018
Transmission Date	07/2018

