

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.649 of 2016

Arising Out of PS. Case No.-115 Year-2012 Thana- BARH District- Patna

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Pramod Ranjan Kumar Sinha @ Pramod Ranjan Sinha son of Late Shivsharan Sinha, resident of Mohalla- New Damaria, Post- Anisabad, Police Station- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation Ltd. through its Managing Director, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Mukeshwar Dayal Advocate
For the State	:	Mr. J.Upadhyay APP
For the BSFC	:	Mr. Shailendra Kr.Singh , Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 10-09-2018

This petition under Section 482 Cr. P. C. has been filed for quashing the order dated 21.6.2014 passed by the A.C.J.M. Barh, Patna in Barh P.S. case no. 115 of 2012 by which learned Magistrate has taken cognizance for the offence under Sections 409,467, 468 and 420 of the I.P.C. against the petitioner.

Heard learned counsel for the petitioner and State.

Learned counsel for the petitioner has submitted that petitioner was only a class IV employee in the Bihar State Food and Civil Supply Corporation Ltd. for short ‘the Corporation’. The entire game was played by D.N Singh who



was District Manager which has also come in the Audit Report which is part of the FIR and annexed as Annexure-2. The informant who was Senior Dy. Collector-cum-District Manager (Incharge) of the Godown has not lodged any case against said D.N.Singh the then District Manager who had played entire game in committing misappropriation. The F.I.R. has been lodged only against the petitioner who was class IV employee and was made In-charge of the Godown by D.N. Singh against the Circular and Government policy, which had also come in detail in Audit Report submitted by the Auditor. The police submitted charge sheet against this petitioner on the basis of aforesaid FIR and cognizance has been taken against the petitioner on the basis of the charge sheet.

This Court is really surprised to find that the then District Manager of the Corporation, who was ultimately responsible for all such illegalities, had been given clean chit by the informant. He was not made accused in the case. The petitioner being the IV grade employee, was posted by the then District Manager, namely, D.N. Singh, as Incharge Assistant Godown Manager although he was not entitled to be posted as such. He has been made accused in the case as scapegoat to save the skin of D.N.Singh, the then District Manager of



Godown.

Learned ACJM, Barh, Patna is directed to give direction to the police to further reinvestigate the case in terms of provision of Section 173(8) of the Cr. P.C. with regard to allegation against D.N.Singh the then District Manager with regard to allegation of misappropriation of money and appointing the petitioner who was class IV employee as In-charge Assistant Godown Manager against the circulars and directions of the Government. The Magistrate will direct the police to complete the re-investigation with regard to role of then District Manager Sri D. N.Singh in the entire game of the misappropriation of the money as mentioned in detail in the audit report in accordance with law and submit report before him within a period of three months from the date of passing of the order by the learned Magistrate.

This Court, at present, is not inclined to interfere with the impugned order with regard to the petitioner by which cognizance has been taken against him on the basis of charge sheet submitted by the police.

This Cr. Misc. petition is, accordingly, disposed off. 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 after taking into consideration the materials which will come during further investigation with regard to allegation against D. N. Singh the then District Manager.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.9.2018
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