

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50522 of 2013

Arising Out of PS. Case No.-219 Year-2011 Thana- ARA NAWADA District- Bhojpur

Kedar Nath Jha Son Of Sri Ram Rajit Jha Resident Of Village- Amethi, P.S. Bahera, District- Darbhanga, At Present Working As Work Supervisor, Minor Irrigation Division, Arrah, District Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Eng. Prabhash Chandra Jha, Executive Engineer Minor Irrigation Division, Arraha, Dist.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
For the Opposite Party/s : Mr. Anita Kumari (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 25-06-2018

Heard learned counsel for the petitioner and learned counsel for the State.

This petition has been filed under Section 482 Cr.P.C. for quashing the order dated 12.11.2012 passed by C.J.M., Arrah in Arrah Nawada P.S. Case No. 219 of 2011/TR. No. 720 of 2012 by which learned Magistrate has taken cognizance against the petitioner under Sections 419, 420, 467, 468, 471 and 409 of the Indian Penal Code.



Learned counsel for the petitioner submits that case has been filed against him after 31 years of service. There is no material in the case diary but still the police has submitted the charge-sheet against the petitioner.

Learned counsel for the State has submitted that police after investigation submitted charge-sheet in this case finding the allegation true against the petitioner. The Court below has taken cognizance after finding *prima facie* case against the petitioner. This Court is of the view that at the time of taking cognizance the learned Magistrate is only required to see the *prima facie* case against all the accused persons.

From the impugned order, it appears that on the basis of FIR, case was investigated by the police. The police after investigation found the case true and has submitted charge-sheet against the petitioner. Learned Magistrate on the basis of the allegation in the written report and the materials available in the case diary has taken cognizance against the petitioner.

Therefore, this Court does not find any illegality in the impugned order dated 12.11.2012. The application is disposed off with direction to petitioner to raise all the points as raised in this petition at the appropriate stage during framing of charge or during course of trial which shall be considered by the court



below in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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