

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16918 of 2018

Arising Out of PS.Case No. -273 Year- 2016 Thana -SARAI RANJAN District- SAMASTIPUR

Navin Kumar son of Munshi Prasad Singh resident of Village - Surmar Meyari,
P.O. - Bajidpur Meyari, P.S.- Sarairanjan, District - Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Senior Advocate
Mr. Abhinay Raj, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-08-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 24.02.2018 passed by the learned Additional District and Session Judge-I, Samastipur-cum-Special Judge, Protection of Children from Sexual Offences Act, 2012 in Sarairanjan P.S. Case No.273 of 2016 whereby the application preferred under Section 227 of the Code of Criminal Procedure (for short 'CrPC') seeking discharge from the case punishable under Sections 354 and 509 of the Indian Penal Code and Section 12 of the Prevention of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') has been dismissed.

2. Mr. D.K. Sinha, learned senior advocate for the petitioner submitted that the petitioner has been implicated in the



case due to political rivalry. He pleaded that the petitioner is innocent and his trial in a false case would be an exercise in futility.

3. First Information Report (for short 'FIR') is based on the written report of one Dinesh Kumar addressed to the Officer-in-Charge of Sarairanjan Police Station wherein he has alleged, inter alia, that on 23.11.2016, at about 6:00 p.m. while his daughter, aged about 15 years, was coming back, after taking tuition from the house of one Ram Naresh Singh, on the way near his house, the petitioner, aged about 35 years, who is a teacher in Middle School misbehaved with her and handed over a letter to her. It is alleged that earlier also he had given 2-3 letters to his daughter, which was informed to him by her. When she protested, he abused her. Since nearby people assembled on hearing the voice, the petitioner fled away.

4. On the basis of the said information, after instituting the FIR, investigation was taken up and, on completion of investigation, charge-sheet was submitted under Sections 354 and 509 of the Indian Penal Code and Section 12 of the POCSO Act.

5. Having gone through the materials available on record, the learned Magistrate took cognizance of the offence and summoned the petitioner to face trial.

6. At the stage of framing of charge, an application



under Section 227 of the CrPC was filed by the petitioner seeking discharge from the case. The said application has been rejected by the learned Special Judge vide impugned order dated 24.02.2018 holding therein that the victim has fully supported the case of the prosecution.

7. Apart from the victim, even the informant has corroborated the statement made in the FIR. In view of the materials available on record, the court opined that there is sufficient material to proceed against the petitioner for the offences punishable under Sections 354 and 509 of the Indian Penal Code as well as Section 12 of the POCSO Act.

8. Having considered the materials on record, I find no illegality in the order impugned passed by the court below.

9. In that view of the matter, no interference is warranted with the impugned order by this Court.

10. Resultantly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
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