

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5728 of 2015

Arising Out of PS. Case No.-2 Year-2010 Thana- DHANAHA District- West Champaran

Shakuntala Gupta @ Pattu Devi, W/o Sri Dina Nath Prasad Gupta, R/o Vill.-
Madhubani, P.S.- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jagdish Prasad Gupta, S/o late Baijnath Prasad Gupta, R/o Vill.-Madhubani,
P.S.-Dhanaha, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Awadhendra Kumar, Adv.
For the State	:	Ms. Madhuri Lata, APP
For the O.P. No. 2	:	Mr. Kumar Veerendra Narayan, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 15-11-2019 Heard Mr. Awadhendra Kumar, learned Advocate

for the petitioner and Mr. Kumar Veerendra Narayan,

learned Advocate for the opposite party No. 2.

This petition was initially filed against the order of

cognizance dated 02.09.2012 passed by the learned Judicial

Magistrate-Ist Class, Bagha, West Champaran in connection

with Dhanha P.S. Case No. 2 of 2010, which was instituted



for the offences under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

During the pendency of this petition, the petitioner had preferred an application for discharge before the Court below, which too was rejected. Hence, I.A. No. 2070 of 2016 was filed by the petitioner for amending the prayer of this petition and seeking quashing of the order refusing to discharge.

The aforesaid interlocutory application does not appear to have been moved or the prayer allowed. However, when this case was taken up for admission on 01.04.2019, it appears that it was not pointed out to the Court that the petition, though was filed against the order of cognizance, but before it could be taken up, the order refusing to discharge also was passed, which has been attempted to be brought on record.

In any view of the matter, on merits, the petitioner is said to have obtained and continued in a job by fraudulently posing herself as Shakuntala Gupta, but in reality she is Pattu Devi.



Considering the nature of allegation, this Court does not deem it appropriate to halt the process of trial.

The learned counsel for the petitioner has submitted that the petitioner has now retired from service. The discontinuance in service of the petitioner would not absolve her of the offence which has been charged against her.

For the aforesaid reason, this Court does not find any merit in this petition.

The petition is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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