

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8608 of 2015

Arising Out of PS. Case No.-117 Year-2012 Thana- KARPI District- Jehanabad

Madhulika Yadavendu wife of Rakesh Kumar resident of Mohalla - Saraswati Lane, Lohanipur, P.S. - Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Arwal -cum- District Programme Coordinator Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 18-10-2019

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. According to FIR, allegation of embezzlement of

public money of the different rural schemes of the government

is against some other co-accused persons. The petitioner was

Programme Officer posted at that time. Allegation against the

petitioner is that as per provisions of Kandika 8.2.3 of National

Rural Employment Act, 2005, it was responsibility of the

petitioner to supervise the progress of the work and if the



petitioner would have discharged her responsibility, the embezzlement might have been averted.

3. Learned counsel for the petitioner submits that on the basis of the aforesaid allegation, a disciplinary proceeding could have been initiated which has not been done in the present case against the petitioner and in absence of any specific material regarding direct complicity of the petitioner in the act of others, the criminal prosecution of the petitioner is abuse of the process of the Court.

4. Learned counsel has drawn attention to paragraph-108 of the case-diary wherein villagers stated that the petitioner was supervising the works of different schemes by visiting the work places and they further stated that the payment of wages to the labourers were also made by the concerned person.

5. After hearing the parties and considering the fact that there is non-disclosure of criminal offences against the petitioner, criminal prosecution of the petitioner is abuse of the



process of the Court.

6. Hence, order dated 26.08.2014 passed in Karpi
(Vaushi) P.S. Case No.117 of 2012 whereby cognizance was
taken against the petitioner stands hereby quashed so far it
affects petitioner only and this application stands allowed.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
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