

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6203 of 2015

Arising Out of PS. Case No.-492 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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Krishna Pandit @ Krishna Paridat S/o Sri Devprasad Pandit resident of Vill-
Nasariganj, Town and P.S. - Danapur, Dist- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Umesh Singh S/o late Ram Lakhan Singh R/o Kirodharpur Dhanraj Tola,
P.S- Khusrupur, Dist- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Ms. Prakritita Sharma, Advocate
For the Opposite Party/s :	Mr. J.N.Thakur, App
For Opposite Party No.2 :	Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 11-07-2019

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for Opposite Party No.2.

2. The petitioner has challenged the order of
cognizance dated 26.06.2012 passed in Complaint Case No.492
of 2012 by the Court of learned Judicial Magistrate, 1st Class,
Patna City, whereby cognizance has been taken against the
named accused for the offences under Sections 467/468/120B of
the Indian Penal Code as well as processes were ordered to be
issued against the accused persons to face trial.

3. According to complaint petition co-accused Ram



Sundar Singh is agnate of the complainant. Though there was partition in the family long back. The said Ram Sundar Singh executed registered sale-deed on 21.07.2011 in favour of co-accused Tridiv Bora in respect of the property of the complainant. Further allegation is that the complainant and his uncle had not gone to the Registry Office; rather some impersonation was done by some other person pretending themselves as the complainant and his uncle. The petitioner was scribe of the sale-deed.

4. Contention of the learned counsel for the petitioner is that the petitioner was simply a draft-man of the sale-deed and the same was drafted at the dictate of person who had come to execute the sale deed and it was not the business of the petitioner to identify the executant of the case; rather this is the business of the witnesses of the deed who are co-accused in this case and the witnesses might be blamed that they identified unreal person as real one while making the sale-deed.

5. Learned counsel for the complainant Opposite Party No.2 submits that the petitioner was also to ensure the identity of the executant of the sale deed. In practice the scribe presents the deed before the Registrar for registration.

6. Since there is no direct allegation or evidence



against the petitioner of his involvement in making of the false document fraudulently and dishonestly, the criminal proceeding of the petitioner would amount to an abuse of the process of the Court. Hence, the impugned order so far it affects the petitioner only stands quashed and the application stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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