

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50492 of 2014

Arising Out of P.S. Case No.-795 Year-1991 Thana- GARDANIBAGH District- Patna

Rameshwar Singh S/o Late Arjun Singh, resident of Quarter No.- C/3, Ganga Bridge Colony, Raja Ghat, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shaishav Kumar, Advocate
For the State	:	Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-04-2019

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

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That in this in this application the
petitioner prays for quashing of the order dated
07.03.2013 passed in F.I.R. of Gardanibagh P.S.
Case No. 795 of 1991, G.R. No. 5137 of 1991
passed by learned Chief Judicial Magistrate, Patna
taking cognizance u/s 409,419,420,467,468,471
and 120(B) of the Indian Penal Code and further
directing for issuance of summons against the
petitioner in the facts and circumstances of the
case.”*



3. The allegation against the petitioner and others relates to fraudulent withdrawal of Rs. 17,50,000/- from Khunti Treasury (now in the State of Jharkhand) on the basis of forged and fabricated allotment letter purportedly issued by the Road Construction Department in the year 1991.

4. Learned counsel for the petitioner submitted that at the relevant point of time, he was a typist in the office of the Road Construction Department, Sachivalaya, Patna from where the said forged allotment letter was alleged to have been issued. It was submitted that thought initially the job of typing the letter was allotted to the petitioner, but due to work load, the same was actually typed by his colleague one Ramnath Singh, who was also a typist in the same office. Learned counsel submitted that in the departmental proceeding against the petitioner, the Enquiry Officer has specifically noted the said defence of the petitioner and has also stated in his report that the Head Typist had also accepted such fact and most importantly, Ramnath Singh himself has also admitted to him having typed the letter concerned. Learned counsel submitted that based on the same, he has been exonerated in the departmental proceeding.

5. Learned A.P.P. submitted that the police have found complicity of the petitioner and accordingly have submitted



chargesheet and, thus, the Court below has rightly taken cognizance against him. However, on a direct query of the Court to learned A.P.P. as to how and in what manner the petitioner can be held responsible, in view of the fact that he has been exonerated in the departmental proceeding after accepting his version that the said letter was actually typed by his colleague Ramnath Singh, learned counsel did not have any answer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that a case for interference has been made out.

7. Without going into the finer details of the matter, the only fact which could link the petitioner to the alleged offence is his role, that too, limited to the letter being typed by him. However, before the Department, during inquiry, it has been established that it was not the petitioner and rather his colleague Ramnath Singh, who had typed the letter, which is also accepted by Ramnath Singh himself and the Head Typist of the office, and based on such finding, when the petitioner has been exonerated, there is no occasion for him being charged for any criminal offence and face trial.

8. For reasons aforesaid, the application is allowed. The entire criminal proceeding arising out of Gardanibagh P.S. Case



No. 795 of 1991 (G.R. No. 5137 of 1991), including the order taking cognizance dated 07.03.2013, passed by the Chief Judicial Magistrate, Patna, as far as it relates to the petitioner, stands quashed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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