

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43693 of 2019

Arising Out of PS. Case No.-53 Year-2012 Thana- BUXAR MUFFSIL District- Buxar

PARAMHANS OJHA Son of Vishwanath Ojha Ex - Secretary of Aadarsh Sanskrit High School, Chunni, P.S.- Chausa, Distt - Buxar resident of Village-Sukarwalia P.S.- Itarhi, Dist. Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bikram Deo Singh, Advocate

Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2019 The petitioner seeks quashing of the order dated 03.04.2013 passed by the learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 53 of 2012 whereby cognizance has been taken under Section 406 of the Indian Penal Code.

Mr. Bikram Deo Singh, learned counsel for the petitioner submits that the FIR has been lodged at the instance of the State Commission for information, which he was not authorized to direct for.

This Court looks at the FIR in a different perspective. The allegation against the petitioner is of not handing over the documents which were in his possession while he acted in the capacity of PIO of the college.



Learned counsel for the petitioner also does not have any explanation with respect to approaching this Court after six years of the taking of cognizance. What has happened in the meanwhile is not known to the learned counsel for the petitioner.

Under the aforesaid circumstances and on being questioned by the Court, learned counsel for the petitioner, considering it more expedient, seeks permission to withdraw this petition in order to enable the petitioner to approach the court below, if so advised, for discharge.

Once such a petition is filed, the court below shall take into account all the facts and circumstances and shall pass a reasoned order in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

The petition stands dismissed as withdrawn with the liberty aforesaid.

(Ashutosh Kumar, J)

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