

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72832 of 2019**

Arising Out of PS. Case No.-31 Year-2015 Thana- UNIVERSITY District- Muzaffarpur

Baidyanath Kumar @ Baidhnath Kumar, S/o Sri Bindeshwar Yadav, R/o village- Bahuara, P.S.- Fulparas, District- Madubhani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Om Prakash Raman, Son of Late Ramawatar Ram, Examination Controller, L.S.- College, Muzaffarpur, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durga Nand Jha, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 08-09-2022

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

The petitioner has come before this Court for quashing of the First Information Report bearing University P.S. Case No. 31 of 2015 registered under Sections 467, 468 and 420 of the Indian Penal Code, challenging the facts of the case and further challenging the incorporation of offences as mentioned in the FIR.

The facts of the case are that on 04-10-2015 during the course of Staff Selection Commission (CR) Allahabad, constable (GD) 2015 examination at LS College, Muzaffarpur, in Room No. 50, instead of petitioner Baidyanath Kumar (ticket no 3102431), another person Golu Kumar was caught taking the exam in the second shift of the exam, who disclosed that he appeared in the



examination on behalf of petitioner Baidyanath Kumar.

Learned counsel submits that even if the facts mentioned in the FIR are taken into consideration in its entirety, no offence under the provisions of Sections 467, 468 and 420 of IPC is made out against the petitioner.

Perused the record.

It has come in the report of the learned trial court that the matter is still pending awaiting submission of final form.

Since the petitioner is challenging the incorporation of offences as mentioned in the FIR and further disputing the facts of the case, it is well settled preposition of law that this Court would not go into the disputed questions of facts while exercising its power under Section 482 Cr.P.C. It has no jurisdiction to examine the correctness or otherwise of the allegation.

The aforesaid propositions were laid down by the Supreme Court in the case of *Smt. Nagawwa Vs. Veeranna Shivalingappa Konjalgi, AIR 1976 SC 1947* and *Madhavrao Jiwagi Rao Sciendia Vs. Sambhajirao Chandiojirao Angre, AIR 1988 SC 709* and quoted with approval in the case of *State of Haryana and Others Vs. Bhajan Lal and Others, AIR 1992 SC 604*.

Now, from the facts of the present case, it is obvious that the petitioner wants to invoke the inherent jurisdiction of this



Court under Section 482 Cr.P.C. to test the veracity of the facts since he has controverted the same with another set of the facts. I am afraid the petitioner could not succeed in getting any relief from this Court as this Court lacks jurisdiction to examine the correctness of the allegation. Furthermore, the case of the petitioner is also not covered under any of the guidelines as enumerated by the Supreme Court in *Bhajanlal's case* (Supra).

Having regard to the aforementioned discussions, I am of the considered view that there is no merit in the case of the petitioner and hence the same is dismissed.

However, the petitioner is at liberty to raise these issues before the learned trial court, if any occasion arises and the learned trial court would consider the same on its own merits without being prejudiced by the present order.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
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