

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24880 of 2018

Arising Out of PS. Case No.-300 Year-2015 Thana- GAIGHAT District- Muzaffarpur

Chandra Kala Kumari Wife of Shyam Sunder Pandit, Block Teacher, Utkramit Middle School, Chandpur Gaighat, District-Muza Resident of Village-Pagalaxmi, P.O. P.S. Gaighat, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpa Sinha, Advocate

For the Opposite Party/s : Mr. Sri Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-07-2023

Heard learned counsel for the parties.

This application has been filed for quashing the order dated 14.03.2018 in G.R. No. 6094 of 2015 arising out of Gaighat P.S. Case No. 300 of 2015, passed by learned Additional Chief Judicial Magistrate, Muzaffarpur East, by which learned Magistrate has taken cognizance against the petitioner under Section 409 of the Indian Penal Code.

The prosecution story is that the Block Education Officer, Gaighat wrote a letter to the Officer-in-charge, Gaighat Police Station in which it has been stated that Ms. Chandra Kala Kumari posted in Utkramit Middle School, Chandpur, Gaighat has been found to be involved in misusing the amount allotted for the student stipend during year 2012-13.



Learned counsel for the petitioner submits that the defence materials may be examined at the stage of cognizance.

In my opinion, the petitioner has liberty to move the trial Court at the stage of framing of charge for discharge. If such an application is filed, the trial Court will decide the same in accordance with law in view of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar vs. State of Bihar (2022) 9 SCC 577.***

(Sandeep Kumar, J)

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