

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32325 of 2018

Arising Out of PS. Case No.-1866 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Atmanand Sharma S/o Anand Shankar Sharma, R/o Vill.- Shikarpur, P.S.-
Majhauria, District- West Champaran, at Present residing at BLK-118, 02-
1190, Hougang Avenue 1, P.S.- Hougang Singapore-530118.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Santosh Pandey S/o Late Anirudh Pandey, R/o Vill.- Shikarpur, P.S.-
Majhauria, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Opposite Party/s : Mr.Sri Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-08-2023 Learned Counsel for the opposite party no. 2 has

submitted that one of the co-accused Anand Shankar Sharma

has already died.

2. Heard learned counsel for petitioner and learned

Additional Public Prosecutor.

3. This application is filed for quashing of the order

dated 04/02/2017 passed in Tr. No. 856/2017 arising out of

complaint case no. 1866-C/16 by Additional Chief Judicial

Magistrate-1st Bettiah whereby and whereunder the learned

Magistrate has taken cognizance for the offences under sections

420, 467, 468 and 471 of the Indian Penal Code.

4. As per the prosecution story, the allegation against



the petitioner is forging the documents of the sale deed.

5. The ground raised by learned counsel for the petitioner for quashing is that the petitioner was not present in Indian on the alleged date of occurrence. He was an ivory coast from 11.10.2015 to 10.12.2015 and this fact is supported by the entries in the passport of the petitioner which has been annexed as Annexure-5 series.

6. The learned counsel for the opposite party no. 2 cannot deny the submission of the petitioner.

7. A person who is not in India cannot be prosecuted for an alleged offence said to have been committed in his absence. This application is allowed.

8. Accordingly, the order dated 04/02/2017 passed in Tr. No. 856/2017 arising out of complaint case no. 1866-C/16 by Additional Chief Judicial Magistrate-1st Bettiah is hereby quashed.

(Sandeep Kumar, J)

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