

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2268 of 2016

Arising Out of PS. Case No.-37 Year-2014 Thana- MAHARAJGANJ District- Siwan

Monarama Sinha @ Manorama Kumari W/o Maheshwar Singh@Maheshwar
Pd. Singh Head Mistress, Middle School Saraya, P.s Maharajganj, District
Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Anil Kumar Tiwari, Advocate Mr. Akshansh Ankit, Advocate
For the Opposite Party/s :	Mr. Jharkhandi Upadhyay APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 19-04-2023 Heard the parties.

This application has been filed for quashing the order dated 13.11.2014 passed by Incharge Chief Judicial Magistrate, Siwan by which learned Court has taken cognizance against the petitioner in Maharajganj P.S. Case No. 37 of 2014, G.R. No. 831 of 2014, Tr. No. 6069 of 2015 under Section 409 of the IPC.

The prosecution story in short is that :- “ Informant Ram Darshan Prasad lodged a written complaint before S.H.O. Maharajganj alleging therein that on 23.02.2014, the petitioner Smt. Manorma Devi who is the Principal of Madhya Vidyalaya Sareya Anchal, Maharajganj was found taking away 2-1/2 bags of rice on her private vehicle which was caught by the villagers and the police was informed and the police came and seized rice 2-1/2 bags of rice about 1 quintal 25 kgs in jute bags.”



The case diary has been called.

Learned APP for the State has read the case diary and has submitted that some witnesses has supported the fact about the taking away of the sacks of rice by the Principal.

Later on during investigation, the Investigating officer , for the reasons best known to him has given a turn to the prosecution story and tried to make out a defence that Principal use to take the rice daily to her house for cleaning it and she is completely innocent.

It seems that the police has not properly investigated the case and has tried to help the petitioner.

This kind of perfunctory investigation cannot be relied upon by this Court for quashing the FIR.

Accordingly, this application is dismissed.

The petitioner will face trial.

(Sandeep Kumar, J)

Vikas/Shishir

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