

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23502 of 2024**

Arising Out of PS. Case No.-371 Year-2023 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

=====

Yug Sanskriti Nyas through Uday Patel @ Uday Kumar Son of Satya Narayan  
Saw Resident of Village- Tetarhat, P.S.- Sadar, District- Mujaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sumitesh Kumar, Senior Manager (CSR)N.T.P.C. Limited Eastern Region-  
01, Head Office, Loknaya Bhawan, 2nd floor Dakbanglow Chowk, Frazer  
Road, Patna-01, P.S.- Kotwali, District- Patna.

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Hansraj  
For the Opposite Party/s : Mr. Ram Bilash Roy Raman

=====

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

3      02-09-2024                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the NTPC.

2.      Learned counsel for the petitioner has filed a  
supplementary affidavit and the same is taken on record.

3.      The present application has been filed for  
quashing the order dated 12.10.2023 passed in Sadar P.S. Case  
No. 371/2023, whereby learned court below has allowed the  
petition filed on 10.10.2023 by the S.H.O, Sadar P.S.,  
Muzaffarpur and granted permission for further investigation u/s  
173(8) Cr.P.C.

4.      As per the prosecution case, informant has



alleged that N.T.P.C. Limited has sanctioned Rs. 284.85 Lakh to the petitioner for women empowerment and providing job generation to the 400-500 women in the area of Kahalganj and Muzaffarpur. Upon inquiry, they found insufficiency in running the skill development Center with intention to commit fraud and tried to embezzle public money. On the basis of the said report Sadar P.S. Case No. 371/2023 was lodged against the petitioner.

5. Learned counsel for the petitioner submits that during investigation, police has not found any conclusive evidence as such after due investigation Sadar Police has submitted final form vide 526/2023 dated 30.06.2023 on the basis of lack of evidence against the petitioner. On 10.10.2023 S.H.O. Sadar P.S. Muzaffarpur has filed a petition before the Court of learned C.J.M. to grant permission for further investigation on the ground that the I.O. of the present case who had submitted the final form was transferred to another Police Station. In spite of police report, learned C.J.M., Muzaffarpur has mechanically passed an order u/s 173(8) Cr.P.C. and given permission for further investigation.

6. The learned C.J.M., Muzaffarpur while differing with the final form has to give reason as to why and on which material evidences he is allowing the petition u/s 173(8)



Cr.P.C. It is further submitted that the petition filed by the S.H.O., Sadar P.S. Muzaffarpur before the learned court below is not maintainable either in law or on fact.

7. Learned counsel for the petitioner has further submitted that the impugned order being non-speaking order is no order in the eye of law. Once the final form was submitted and the same should have been accepted and if the Magistrate wanted further investigation on the application by the police, it should have passed a reasoned order.

8. Learned APP for the State has opposed the application.

9. Learned counsel for the N.T.P.C. has made his submissions.

10. From the arguments of the parties, it appears that no offence was committed by the petitioner and the police also did not find any material against the petitioner.

11. For reasons best known to the Inspector of Police has filed an application for further investigation which has been allowed by a non-speaking order. When the Police found no material and the NTPC was satisfied with the investigation and there was no Protest Petition filed by the NTPC, the Inspector has no business to file an



application for further investigation. Moreover, order of further investigation is a non-speaking order and in my opinion, any non-speaking order is no order in the eye of law.

12. In these circumstances, this application is allowed and the impugned order dated 12.10.2023 passed by learned Chief Judicial Magistrate, Muzaffarpur in Sadar P.S. Case No. 371/2023, is hereby quashed.

**(Sandeep Kumar, J)**

Ranjeet/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

