

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33692 of 2016

Arising Out of PS. Case No.-339 Year-2014 Thana- NARPATGANJ District- Araria

SAVITA DAS @ SMT. SAVITA DEVI WIFE OF -SHYAMAL DAS,
RESIDENT OF - MOHALLA- REFUGEE TOLA, PALASI, WARD NO.-7
POST AND PANCHAYAT-PALASI, THANA AND ANCHAL-
NARPATGANJ, DISTRICT- ARARIA BIHAR.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Mukund, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

13 27-11-2024 Heard Mr. Anil Kumar Mukund, learned counsel for

the petitioner and Mr. Suresh Prasad Singh, learned APP for the

State.

2. The instant application has been filed for quashing
the order dated 17.12.2015 passed by the learned Chief Judicial
Magistrate, Araria in connection with Narpatganj P.S. Case No.
339 of 2014 by which cognizance of the offences punishable
under sections 406, 409 and 420 read with section 34 of the
Indian Penal Code has been taken against the petitioner and
other accused persons who have been summoned for the
alleged offences as accused.

3. Heard both sides, perused the impugned order, the
F.I.R. as well as the case diary.



4. In the present matter the F.I.R. bearing Narpatganj P.S. case No. 339 of 2014 was lodged with the allegation that a sum of Rs. 9,28,575/-, which was allocated for the purpose of construction of the school building, was embezzled by this petitioner and co-accused. As per prosecution, the alleged amount was withdrawn by this petitioner and co-accused but construction of the required building was not done and the withdrawn amount was misappropriated by them. In the case diary there is sufficient material to *prima facie* show the commission of the alleged offence of embezzlement and in this regard, the restatement of the informant, statements of the witnesses mentioned in paragraphs 13, 17 and 18 are relevant and the Investigating Officer inspected the place of occurrence and found substance in the allegation as to the non construction of the concerned building, for which the alleged amount was sanctioned. Further, as per the averments made in the present petition, it is an admitted position that the concerned account in which the sanctioned amount was deposited was in the joint name of this petitioner and co-accused though, the petitioner has taken the plea that she signed the blank cheque books running in the joint name of her and co-accused and the same was misused by the co-accused. But at this stage, merely on the said plea the



petitioner cannot be exonerated from the criminal liability arisen against her from the alleged offences which, *prima facie*, attract against this petitioner.

5. In the result, this court finds no merit in the petition, so, it stands dismissed.

(Shailendra Singh, J)

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