

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59053 of 2024

Arising Out of PS. Case No.-339 Year-2016 Thana- Banjariya District- East Champaran

Indu Devi Wife of Vinod Kumar Resident of Village - Braham Pura, P.S.-
Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shri Kishore Kumar Singh Son of Late Murli Manohar Singh The then
Sahkarita Prasar Padhadhikari Karyalay Sahayak Nibandhak, Motihari
Anchal, Motihari, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishal Kumar, Advocate
For the State	:	Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-09-2024 Heard the parties.

2. The present application has been filed for quashing of FIR bearing Turkaulia (Banjariya) P.S. Case No. 339 of 2016 registered under Sections 420 and 409 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, East Champaran, Motihari.

3. As per the FIR, the petitioner is the Chairman of PACS, Banjaria Block, East Champaran, who procured 6173 quintals M.T. tonns paddy and according to the guidelines, he was to deliver the said paddy to the State Food Corporation by 31.07.2016 but the petitioner had only supplied 2608.81 quintals of rice. Therefore, the petitioner has not supplied 2279.253



quintals of paddy to the State Food Corporation thereby he has misappropriated an amount of Rs. 32,13,746.73/-.

4. The only ground urged by learned counsel for the petitioner is with regard to his defence in the matter. The petitioner wants quashing of FIR on the basis of his defence and on the ground that there is a delay in investigation.

5. From the reading of the FIR, offences are made out against the petitioner and this Court is not inclined to quash the FIR.

6. This application is disposed of with a direction to the Superintendent of Police, East Champaran to consider the representation of the petitioner and direct the Investigating Officer to consider the representation of the petitioner and the defence of the petitioner. If the Investigating Officer or the Superintendent of Police, East Champaran finds substance in the representation of the petitioner then appropriate final form/charge-sheet shall be filed in the Court below within two months of the receipt of a copy of this order.

(Sandeep Kumar, J)

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