

Sudhir Kumar Rawat Vs. the State of Bihar

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Court : Patna

Decided On : May-12-2012

Appellant : Sudhir Kumar Rawat

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.34213 of 2008 Sudhir Kumar Rawat, son of late Banarsi Ram, resident of Q No. 31, Nagar Parshad Compund, P.S.-Dehri, District-Rohtas.Petitioner Versus The State Of BiharOpposite Party For the Petitioner :- Mr. B.J.

Jha, For the State :- Mr. Jharkhandi Upadhayay, A.P.P. -----

12. 01.2012 Heard learned counsel for the petitioner and learned A.P.P. for the State. This application under Section 482 of Code of Criminal Procedure is to quash the order dated 02.07.2008, passed in G.R. No. 1709 of 2006, Trial No. 2684 of 2007 arising out of Dehri P.S. Case No. 328 of 2006 by the Court of Sub-Divisional Judicial Magistrate, Rohtas at Sasaram, rejecting the application of the petitioner filed under section 239 of Code of Criminal Procedure for discharge. The learned counsel appearing on behalf of petitioner submits that the petitioner has been falsely implicated in this case merely on suspicion and with oblique motive. It is further submitted that the Investigating Officer of the case has not investigated the case properly, in fact, the Executive Officer of Nagar Parishad, Dehri Dalmianagar has reported about receiving the entire 2 vouchers against the money received by the petitioner, which would appear from Annexures-2 and 3 of

this application. It appears that on the basis of the written report of the informant, Krishna Deo Paswan, who is Executive Officer of Nagar Parishad, Dehri Dalmianager, Dehri P.S. Case No. 328 of 2006, was instituted under Sections 420, 409, 467, 468 and 471 of Indian Penal Code on 20.11.2006. It is alleged by the informant that petitioner, who is clerk- cum-Nazir of Zila Parishad was entrusted to execute various schemes under 11th Finance Commission Proposals for completion of 11 projects. The petitioner received Rs. 15 lacs in advance, but did not submit the vouchers or bill in the office related to works done by him in aforesaid projects. The police on investigation submitted the charge- sheet for the offence under Sections 420, 409, 467, 468 and 471 of Indian Penal code against the petitioner. It appears from impugned order that the learned Magistrate on perusal of the record, arrived at conclusion that prima facie there is sufficient material to frame the charges against the accused-petitioner under Sections 420

409, 467, 468 and 471 of the Indian Penal Code and, accordingly, rejected the application under Section 239 of the Code of Criminal Procedure for discharge. Apparently, there is no illegality in the impugned order amounting to abuse of the process of the Court. Accordingly, this application is dismissed. (Rajendra Kumar Mishra, J.) Safik

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