

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13734 of 2012

Arising Out of PS.Case No. 31 Year- 1992 Thana Buxar Muffasil District- BUXAR

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1. Shiv Sahay Rai S/O Sri Ram Hajur Rai Village Daridihh, P.S. Gola Bazar, Distt. Gorakhpur (U.P.)
 2. Randhir Singh Yadav S/O Makai Yadav Village Alaipur Varanasi P.S. Varanasi , Distt. Varanasi (U.P.)
 3. Ramesh Singh S/O Shree Narain Singh Village And P.S. Banshgaon , Distt. Gorakhpur (U.P.)
 4. Hosila Prasad Tripathi @ Kaushik Prasad S/O Devi Sharan Tripathi Village Bewari Chaubey , Gola Bazar P.S. Gola Bazar , Distt. Gorakhpur (U.P.)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Ajoy Kumar Mishra, Sub Inspector, Buxar Town Police Station, Distt. Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. NK. Agrawal, Sr. Adv.
Mr. Vijay Anand, Adv.
For the State : Mr. Jharkhandi Upadhyaya, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-04-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 15.4.2004 passed by the Sub Divisional Judicial Magistrate, Buxar, in E.C. Case No. 21 of 1992 arising out of Buxar Muffasil P.S. Case No. 31 of 1992, Trial No. 420 of 2011.

The case of the Informant is that on the date of occurrence, some trucks loaded with coal were intercepted on the way and it was suspected that the loaded coal was being transported for

illegal purposes of black marketing.

It has been submitted that the Petitioners are owners of the truck and have nothing to do with the coal loaded on the same. In any view, coal was not controlled item and, hence, the present First Information Report is baseless.

Notices had been issued to the Informant by designation but despite receipt of the notice, no office bearer has chosen to appear to refute the submission raised on behalf of the Petitioner.

Hence, the application is allowed and the entire Proceeding including the order dated of cognizance dated 15.4.2004 passed by the Sub Divisional Judicial Magistrate, Buxar, in E.C. Case No. 21 of 1992 arising out of Buxar Muffasil P.S. Case No. 31 of 1992, Trial No. 420 of 2011 against all the accused persons is hereby set aside.

(Anjana Prakash, J)

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