

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1090 of 2015

Arising Out of PS.Case No. -191 Year- 2012 Thana -WARSALIGANJ District- NAWADA

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Anil Paswan, Son of Late Kishun Paswan, Resident of Village - Makanpur, P.S. - Warsaliganj, District - Nawada, a fair price shop dealer of Village - Makanpur, P.S. - Warsaliganj, District - Nawada.

.... Petitioner

Versus

1. The State of Bihar
2. Bimla Devi, Wife of Sri Ram Naresh Sharma, the Block Supply Officer Warsaliganj, P.S. - Warsaliganj, District - Nawada.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Md. Ansharul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2015

In the present application filed under Section 482 of the Code of Criminal Procedure (For short 'the Code') the petitioner seeks quashing of the entire proceeding of Warsaliganj P.S. Case No. 191 of 2012 dated 21.12.2012 registered under Section 7 of the Essential Commodities Act (For short 'the E.C. Act') including the order dated 15.06.2013 passed by the learned Chief Judicial Magistrate, Nawada by which he has taken cognizance of the

offence against the petitioner under Section 7 of the E.C. Act.

One Bimla Devi (O.P. No. 2), a Block Supply Officer, Warsaliganj, was directed on 21st December, 2012, by the Sub-Divisional Officer, Nawada Sadar vide Memo No. 510 for registration of FIR against the petitioner on the ground that a tractor, loaded with rice and wheat of fair price shop of the petitioner had been seized by the police near petrol pump. According to the allegation made in the FIR, the seized rice and wheat was deliberately being diverted by the petitioner, in order to sell the same in black-market.

The said case was investigated by the police and on completion of investigation, the allegations made in the FIR were found to be true. Accordingly, cognizance of the offence has been taken and the case is pending for trial.

Learned counsel for the petitioner has submitted that the learned Magistrate has released the tractor in question in favour of the petitioner and the wheat and rice seized in connection with the case has also been released to one Mathura Paswan and one Subhash Prasad Yadav who claimed themselves to be the actual owners of the seized articles.

On the other hand, learned counsel for the State has opposed the prayer made on behalf of the petitioner. He has

submitted that the allegations made in the FIR do attract the ingredients of the offence alleged and in course of investigation witnesses have also supported the allegations made in the FIR. He has submitted that simply because the tractor and trailer as also the articles have been released, the same would not be a ground for exonerating the petitioner from facing trial.

I have heard learned counsel for the parties and perused the FIR as well as the order impugned.

In my view, no case for interference is made out as the allegations made prima facie constitute an offence under Section 7 of the E.C. Act.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.

The court below is directed to expedite the trial of the case and conclude the same as early as possible.

(Ashwani Kumar Singh, J.)

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