

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5637 of 2013

Arising Out of PS.Case No. -163 Year- 2011 Thana -GOVERNMENT OFFICIAL COMP. District- -

Surendra Singh, Son of Late Jhunjhun Singh, Resident of Village Salempur Barh, P.S. Barh, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

9 04-05-2015

Heard.

The petitioner seeks quashing of the cognizance order dated 27.06.2011, passed by the learned Chief Judicial Magistrate, Munger and trial of the petitioner on two grounds. The first ground is that the revisional authority had released the truck which was seized by the complainant/Forest Officer and the other that the permit was produced after a delay of about five days.

On perusal of the prosecution report which forms the basis for summoning the petitioner, what this Court finds is that when the truck was intercepted and was found carrying forest produce in the form of stone chips, no valid carriage permit or other related document was produced. In fact the desperation in the driver has been detailed by the complainant-officer when he was pointing out that the driver attempted to flee away with the

truck and in that attempt he smashed the barrier which was created on the way. As regards the confiscation order to release the truck, this Court does not want to say anything on it, because the Court is to confine itself to the fact of the case to scrutinize the order of summoning and on such scrutiny finds no merit in the petition and the same is dismissed.

(Dharnidhar Jha, J.)

Sanjay/-

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