

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44050 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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Jitendra Prasad Kushwaha S/O Dhurub Narayan Prasad Resident Of Village-
Koluha Chautarwa, P.S.- Chautarwa and District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-03-2015

The petitioner seeks quashing of the order of cognizance dated 15.09.2011 passed by the Sub-Divisional Judicial Magistrate, Bagha in G.R. No. 87 of 2007, Tr. No. 1476 of 2011 in connection with Chautarwa P.S. Case No. 14 of 2007.

The case of the complainant who is the Assistant Mining Officer is that the petitioner was running a Chimni Bhatta without paying of government fee and hence he had violated the Section 40 of the Bihar Minor Mineral Concession Rules, 1972.

The submission of the petitioner is that after the petitioner was noticed for depositing the legal fee it did so on 19.01.2007. But in the meanwhile, the present first information report was filed on 20.01.2007 by the Assistant Mining Officer on a complaint dated

18.01.2007. In the facts of the case, no offence is made out.

Having considered the aforesaid facts, the application is allowed. The order of cognizance dated 15.09.2011 passed by the Sub-Divisional Judicial Magistrate, Bagha in G.R. No. 87 of 2007, Tr. No. 1476 of 2011 in connection with Chautarwa P.S. Case No. 14 of 2007, is hereby quashed.

(Anjana Prakash, J)

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