

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32358 of 2012

Arising Out of PS.Case No. -219C2 Year- 2011 Thana -null District- JAMUI

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Gunwant Singh @ Raman Prasad Singh, son of late Nagendra Narayan Singh
Resident Of Mohalla- Mahisouri Babutola, P.S.- Jamui, District- Jamui

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Adv.
Mr. Ashok Kumar, Adv.

For the State : Smt. Anita Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 19.7.2011 passed by the Chief Judicial Magistrate, Jamui, in case No. 219 C2 of 2011 under the Provisions of Excise Act.

The Prosecution Report dated 2.5.2011 is that on the date of occurrence, certain unauthorized foreign origin wine and country- made liquor from a shop, were recovered. Three persons were named as accused, the third in which one was Raman Prasad Singh, son of Bhagwati Singh. Surprisingly, in one of the Annexure of the Prosecution report, the name of the 3rd accused was mentioned as being son of late Nagendra Narayan Singh @ Nunu and on the basis

of the said document the Petitioner was sought to be prosecuted even though, he is Gunwant Singh, son of late Nagendra Narayan Singh, a Government employee, as is evident from his identity card.

Since this is a matter, which cannot be verified by this Court, the Court below is directed to call for a report from the concerned authorities as to under what circumstances, the 3rd accused Raman Prasad Singh, son of late Bhagwati Singh, became Raman Prasad Singh, son of late Nagendra Singh and why the Petitioner being Gunwant Singh was sought to be prosecuted on the @ name of Raman Prasad Singh. He should also call for a genealogy of the family so as to ascertain the lineage of Nagendra Narayan Singh and pass necessary orders within a period of six weeks from the date of receipt of this order. If he is satisfied that the Petitioner is sought to be prosecuted wrongly, he should be discharged.

With this observation, the application stands disposed off.

(Anjana Prakash, J)

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