

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.183 of 2013

Arising Out of PS.Case No. -5 Year- 2010 Thana -GOVERNMENT OFFICIAL COMP. District- -

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Arun Kumar Sharma S/O Ram Narayan Sharma Resident Of Village- Bela,
P.S- Goh, District- Aurangabad.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Forester, Goh, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. K. Nikhil

For the Opposite Party/s : Mr. Rajendra Prasad Nut, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 07-05-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present petition has been filed for quashing of order dated 26.7.2010 passed by the learned S.D.J.M., Daudnagar, Aurangabad in connection with Forest Case No.5 of 2010 whereby the cognizance has been taken for offence under Sections 5, 7, 10 and 13 of the Forest Act against the petitioner.

3. A prayer has once again been made on behalf of the petitioner for an adjournment. The order sheets disclose that sufficient opportunity has been granted in the matter, as adjournments have been granted in the past, as prayed by the petitioner who has been enjoying the benefit of interim order since January, 2013.

4. A counter affidavit has been filed on behalf of O.P.No.2 pointing out that the petitioner was not granted licence for operating the Saw Mill. In course of field visit O.P. no.2 found that the said illegal Saw Mill had been running and sawing sisoo logs without any valid licence and sawn dust had also been seized.

5. A perusal of the impugned order of cognizance dated 26.7.2010 discloses that the learned S.D.J.M., Daudnagar, has taken into consideration the prosecution report as well as the other materials available on record before finding that a prima facie case under Sections 5, 7, 10 and 13 of the Forest Act, 1990 is made out against the petitioner.

6. In the above view of the matter, this Court is not inclined to interfere in the matter at this stage.

7. However, it is made clear that the petitioner shall be at liberty to raise all grievances at the appropriate stage.

8. The petition stands disposed of.

(Vikash Jain, J)

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