

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49 of 2013

Arising Out of PS.Case No. -18 Year- 2011 Thana -SAHODARA District- West Champaran

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Dinesh Prasad son of Late Mukutdhari Prasad, resident of village- Barwa, P.O-
Padroun, Police Station- Sahodara, District- West Champaran.

.... Petitioner

Versus

1. The State Of Bihar
2. B.D.O., Gaunaha, District West Champaran

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate

For the Opposite Parties: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2015

Heard learned counsel for the petitioner and learned APP for
the State.

2. The present petition has been filed for quashing the
order dated 28.08.2012 passed by the learned Chief Judicial
Magistrate, Bettiah taking cognizance in connection with Sahodara
P.S. Case No. 18 of 2011 (G.R. No.1463 of 2011) for the offence
under Section 409 of the Indian Penal Code.

3. The first information report has been instituted on the
basis of the informant's letter no.970 dated 01.06.2011, according to
which the petitioner, being a PDS dealer, was required to deposit an
amount of Rs.12,47,817/- in lieu of 1422.50 quintals of undistributed
food grains which he failed to do.

4. Learned counsel for the petitioner submits that he has



committed no offence and in any event, the requisite amount of Rs.12,47,817/- has since been deposited in its entirety. The petitioner was custodian of the food grain which was required to be distributed under Sampurna Gramin Rojgar Yojna to the unemployed persons against permits for this purpose for the period 2000-2006 and the undistributed amount of food grain remained unclaimed for want of permits which were not issued by the authorities. The petitioner was also not asked to return the food grain to the authorities nor was he permitted to dispose of the same and as such, the same remained with the petitioner unclaimed for no fault on his part.

5. A counter affidavit has been filed on behalf of the informant referring the letter no.307 dated 06.08.2011 issued by the S.D.O., Narkatiaganj to the B.D.O. Gaunaha stating that on deposit of the aforesaid amount by the petitioner, the first information report lodged against him should be withdrawn. It is further stated that pursuant to the aforesaid letter dated 06.08.2011, the B.D.O., Gaunaha has issued letter no.827 dated 10.09.2011 to the effect that the first information report had been withdrawn against the petitioner, which was done pursuant to the order of the District Magistrate, West Champaran, Bettiah in that regard.

6. From the aforesaid stand of the parties, it does not appear to be in dispute that the petitioner has deposited the entire

amount of Rs.12,47,817/- relating to the undistributed food grain under Sampurna Gram Rojgar Yojna. Since it is the stand of the opposite party no.2 that the first information report had been withdrawn against the petitioner at the instance of the District Magistrate, West Champaran, this Court is of the view that no useful purpose will be served by continuing the prosecution of the petitioner in such circumstances.

7. In such view of the matter, the impugned order dated 28.08.2012 passed in connection with Sahodara P.S. Case No. 18 of 2011 (G.R. No.1463 of 2011) by learned Chief Judicial Magistrate, Bettiah by which he has taken cognizance for the offence under Section 409 of the Indian Penal Code, is hereby quashed. The petition stands allowed.

(Vikash Jain, J)

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