

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 50741 of 2012

Arising out of P.S. Case No. -65 Year- 2010 Thana -null
District- SUPAUL

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Etwari Kumar Jaiswal @ Etwari Chowdhary, S/o Late Surya
Narayan Choudhary alias Bucchi Chowdhary, Resident of Ward No.
12, Nagar Parishad, P.S.-Sadar, Town & District-Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. G.K. Kejriwal, Adv.

For the Opposite Party/s : Mr. Ajay Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

The Petitioner seeks quashing of the entire
proceeding including the order of cognizance dated
15.02.2011 passed by the Sub-divisional Judicial
Magistrate, Supaul in Supaul P.S. Case No. 65 of 2010
(G.R. No. 263 of 2010).

The case of the Informant is that on the date of
occurrence a Thela Vendor was found with kerosene oil
and he himself stated that the rate of kerosene oil was @
Rs. 35/- per litre.

It has been submitted that in the entire case
diary except the confessional statement of the Petitioner
there is no other material to show that the Petitioner had
ever sold the kerosene oil at a rate higher than the
market price.

The case diary was called for to verify this fact and it is found that no one has complained with regard to the aforesaid.

Considering the same, the proceeding including the order of cognizance dated 15.02.2011 passed by the Sub-divisional Judicial Magistrate, Supaul in Supaul P.S. Case No. 65 of 2010 (G.R. No. 263 of 2010) is, hereby, set aside.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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