

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21518 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- BEGUSARAI

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Bhubneshwar Singh S/O Late Deoki Nandan Singh Babban Singh R/O Village -
Madhurapur, Tola - Dakhinbari Tola, Police Station - Teghra, District - Begusarai

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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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: 20-04-2015

The petitioner seeks quashing of the order of cognizance dated 24.01.2012 passed by the Judicial Magistrate 1st Class, Begusarai in G.R. No. 1975 of 2009 arising out of Teghra P.S. Case No. 131 of 2009.

The case of the prosecution is that the petitioner produced 172 quintals of wheat before the FCI claiming to have been grown on his farms. It was deduced that the petitioner could not have been in a position to grow such a large quantity of wheat on his lands and evidently he had purchased the wheat from other sources and was selling it to the FCI for profit and hence the present case.

It has been submitted on behalf of the petitioner that even conceding the allegations in the first information report, there being

no control order no criminal offence would be made out.

On the last occasion, case diary was called for which could not be produced and hence the petitioner has produced the case diary for perusal of the counsel for the State who has perused the same. It appears that apart from the repetition of the first information report there is no further material against the petitioner.

Having considered the facts of the first information report, I find that it is only on assumption that the petitioner could not have grown such quantity of wheat in his land the case was instituted. It would be difficult for the prosecution to prove the element of cheating during trial in such circumstance which would be a mere formality. Hence, the application is allowed and the order of cognizance dated 24.01.2012 passed by the Judicial Magistrate 1st Class, Begusarai in G.R. No. 1975 of 2009 arising out of Teghra P.S. Case No. 131 of 2009, is hereby quashed.

(Anjana Prakash, J)

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