

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42678 of 2012

Arising Out of PS.Case No. -234 Year- 2005 Thana –Siwan District- SIWAN

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Bachcha Prasad Chauhan, S/O Late Awadh Lal Chauhan, resident of Mohalla-
Dakshin Tola, P.S.- Siwan Town, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janardan Prasad Singh, Senior Advocate
Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Pd. Singh, A.P.P.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 14-05-2015

The petitioner challenges order dated 19.09.2011 passed by the learned Chief Judicial Magistrate, Siwan, through which cognizance of the offence punishable under Sections 419, 420, 467, 468, 471, 427 and 304 of the Indian Penal Code and Section 7 of the Essential Commodities Act, was taken against the petitioner.

The case against the petitioner and certain others was registered on the basis of a complaint submitted by the Inspector of



Police. He noticed a huge fire in a locality near Siwan wherein considerable quantity of diesel, kerosene and other petroleum products were said to have been stored. An FIR was registered against the petitioner, his son and his two brothers. During the course of investigation, nothing was found against the brothers of the petitioner and in the final report, their names were omitted. On the basis of the final report placed before him, the learned Chief Judicial Magistrate took cognizance of the offence against the petitioner and his son.

Sri Janardan Prasad Singh, the learned senior counsel for the petitioner submits that once the police found that the incident took place at a firm, which is in the name of the son of the petitioner, there was absolutely no basis to implicate the petitioner.

Sri Chandra Sen Prasad Singh, learned Additional Public Prosecutor, on the other hand, submits that the petitioner cannot disown his liability for the accident simply because the firm is in the name of his son.

The very fact that the police deleted the names of the brothers of the petitioners discloses that dispassionate investigation was undertaken. The question as to whether the petitioner has any concern whatever, with the firm, where the accident had taken place or whether he has got control over it, needs to be considered at the

trial of the offence. Another opportunity for the petitioner is to file a petition to discharge, after the charges are framed, provided necessary grounds exist.

This court is not inclined to interfere with the order dated 19.09.2011 passed by the learned Chief Judicial Magistrate, Siwan, taking cognizance of the offence in Siwan Town P.S. Case No.234 of 2005. The petition is, accordingly, dismissed.

(L. Narasimha Reddy, CJ)

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