

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.63 of 2016

Arising Out of PS.Case No. -25 Year- 2015 Thana -Darihat District- SASARAM (ROHTAS)

Abhay Pratap Singh, S/o Late Janardhan Pratap Singh, At Village - Majhion, P.S. -
Darihat, District - Rohtas (Sasaram)

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram
2. The District Manager, Bihar State Food Corporation, District - Rohtas

.... Respondent

Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate.
Mr. Satyendra Prasad Singh, Advocate.
For the State : Mr. Tej Pratap Singh, A.C. to G.P. 17
For B.S.F.C. : Mr. Shailendra Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 24-02-2016

Heard learned counsel for the petitioner, State and the
counsel for the Bihar State Food and Civil Supplies Corporation Ltd.

2. The present petition is for quashing of the First
Information Report No. 25 of 2015, registered in Darihat Police Station
lodged on the complaint of Dinesh Prasad Singh, District Manager, Bihar
State Food and Civil Supplies Corporation, Rohtas at Sasaram dated 1st
April, 2015. It is complained that 36725 quintals of paddy was entrusted to
the petitioner for milling purposes but as against 67 per cent rice amounting
to 24605.75 quintals, only 14850.50 quintals rice has been milled. Thus,
9755 quintals of rice has not been returned to the Corporation meaning
thereby that the paddy to such extent has been misappropriated by the
petitioner.

3. The paddy was entrusted to the petitioner for milling

purposes so as to return the same for distribution by the Public Distribution System. However, large quantity of 9755 quintals of custom mill rice has not been returned after milling of paddy. Thus, it cannot be said that the petitioner has not misappropriated the paddy to such extent.

4. I do not find that any case for quashing of the First Information Report is made out.

5. The writ application, thus, stands dismissed, however, with observation that any observation made herein is only for the purpose of present application and will not prejudice the trial which the petitioner is to face in accordance with law.

(Hemant Gupta, J)

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