

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41835 of 2013

Arising Out of PS.Case No. -8 Year- 2010 Thana -KARJAIN District- SUPAUL

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Mohan Sharma, son of Late Sonelal Sharma, resident of Village - Bairdah
(Motipur) P.S.- Karjain, District - Supaul

.... Petitioner

Versus

1. The State of Bihar
2. Rameshwar Paswan, Block Supply Inspector - cum- Block Supply
Officer, Rahopur, District- Supaul

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-06-2016 Heard Sri Shailendra Kumar Singh, learned counsel
for the petitioner and learned Addl. Public Prosecutor.

The petitioner, invoking inherent jurisdiction under
Section 482 of the Code of Criminal Procedure, has prayed for
quashing of an order dated 01.08.2013 passed by learned Sub
Divisional Judicial Magistrate, Birpur in Karjain P.S. Case
no.8/2010 registered for the offence under Section 7 of the
Essential Commodities Act. By the said order, the petition for
discharge filed on behalf of the petitioner was rejected.

Learned counsel for the petitioner submits that the
order impugned does not assign any reason for rejection of the
discharge petition nor any contention of the petitioner, which was

against the discharge petition, has been mentioned by the learned court below.

On perusal of the materials available on record, it is evident that the petitioner has been made as one of the named accused in the F.I.R. It is further evident that earlier, the petitioner against the order of cognizance had approached this Court by filing a petition under Section 482 of the Code of Criminal Procedure vide Cr.Misc.No.43175 of 2010, which stood disposed of granting liberty to the petitioner that he may raise his plea before the court below at appropriate stage. Learned counsel for the petitioner submits that even despite the order of this Court passed in Cr.Misc.No.43175 of 2010, the learned Magistrate has not assigned any reason nor considered the case of the petitioner and, as such, the order impugned is liable to be set aside.

I have perused the impugned order. I do not find any apparent error warranting interference. The petition stands dismissed.

(Rakesh Kumar, J)

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