

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51843 of 2015

Arising Out of PS.Case No. -44 Year- 2008 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

Binod Ram S/o Ram Chandra Ram R/o Village-Madhubani (Suklahiya Tola) P.S
Sangrampur, Dist-East Champaran.

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-07-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. By way of invoking the inherent jurisdiction of
this Court under Section 482 of the Code of Criminal Procedure,
the petitioner has sought for quashing of the order dated 30th June,
2010 passed in Tr. No. 1790 of 2014, arising out of Sangrampur P.
S. Case No. 44 of 2008 by the learned Chief Judicial Magistrate,
Motihari, East Champaran, whereby he has summoned the
petitioner to face trial for the offence punishable under Section 7 of
the Essential Commodities Act.

3. Earlier also, the petitioner had approached this Court for the same relief in Cr. Misc. No. 24507 of 2015. The said case was dismissed by this Court with following order:-

“After some argument, learned counsel for the petitioner seeks leave to withdraw this application.

Leave is granted.

The application is dismissed as withdrawn.”

4. The learned counsel for the petitioner has submitted that the first information report (for short ‘FIR’) was lodged against the petitioner maliciously by the Block Supply Officer, Sangrampur and the allegation made thereunder are absolutely false.

5. I have perused the FIR as contained in Annexure-1 to the present application. An allegation has been made that the petitioner being a PDS dealer, has sold the foodgrains supplied to him under Antyodaya Scheme to be distributed amongst the beneficiaries in black market. The allegation was found to be true during investigation and the police has submitted charge-sheet on completion of investigation, pursuant to which the Chief Judicial Magistrate took cognizance of the offence as back as on 30th June, 2010.

6. In my considered opinion, it is not a fit case to

quash the summoning order as a prima facie case is made out from perusal of the allegation made in the FIR which has been found to be true by the police during investigation.

7. In that view of the matter, I find no merit in this application. Accordingly, this application is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

U		T	
---	--	---	--