

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18728 of 2016

Arising Out of PS.Case No. -219 Year- 2014 Thana -MASAURHI District- PATNA

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Awadhesh Prasad, Son of Sidheshwar Prasad, resident of Village- Masaurhi
Malikana, P.S.- Masaurhi, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Madan Jeet Kumar and Anil Kumar

For the Opposite Party/s : Mr. Sanjay Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 22-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is challenging the order dated 12.01.2016 passed in Special Case No. 219 of 2014 arising from Masaurhi P.S. Case No. 219 of 2014, corresponding to G.R. No. 522 of 2014 whereby and whereunder the court below has taken cognizance under section 7 of the Essential Commodities Act.

As has been stated in the first information report that a team was constituted by Sub-Divisional Judicial Magistrate for enquiry and for physical verification, came at the shop of the petitioner, who is a PDS Dealer of Ward No. 22 of Nagar Parishad, which was found closed.

It has been stated that 26 consumers of the area of this PDS shop, have made complaint that the petitioner has not distributed the food grains and other essential commodities from July 2013 to September 2013 and Kerosene oil from March 2014 to May 2014 and further allegation has been made that the consumer has received the less quantity as well as the petitioner charges the higher price for the kerosene oil.

The counsel for the petitioner submits that the Police has not recorded the statement of aforesaid consumers and without recording their statement, the charge sheet has been filed, but the first information report itself suggests the inclusion of the statement recorded by the Investigating Team.

In such view of the matter, the ground of the petitioner that the Police has not recorded the statement of the aforesaid consumers, is not the basis for quashing the order of cognizance. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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