

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.316 of 2016

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Rakesh Ranjan Sinha, son of Late Amod Ranjan Sinha, Extension Officer (Commerce and Industry)-cum-Incharge, Paddy Procurement Centre, Ramgarh, P.S.- Nautan, Panchayat- Narkatia, District- Siwan, presently resident of near Ravi Chowk, West Patel Nagar, Patna- 800023

.... Petitioner

Versus

1. The State of Bihar
2. Bihar State Food and Civil Supplies Corporation Ltd., Siwan, through its District Manager, State Food Corporation, Siwan
3. Munazirul Islam, son of Mohitur Rahman, District Manager, State Food Corporation, Siwan
4. Collector-cum-District Magistrate, Siwan
5. Superintendent of Police, Siwan
6. Officer-in-Charge, Nautan Police Station, District- Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Narayan, Sr. Advocate,
: Mr. Anju Kumari @ Anju Narain
For the Respondents : Mr. Mritunjay Kumar (SC-23)
For the B.S.F.C. : Mr. Awadhesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

3 02-06-2016 Sri Rajendra Narayan, learned senior counsel appearing in support of this application and learned counsel for the Bihar Food and Civil Supplies Corporation, Ltd. Siwan, who are in fact the informant by this application under Article 226 of the Constitution.

The petitioner seeks quashing of the criminal prosecution for it being an abuse of process of the Court. It is submitted that the petitioner was Extension Officer (Commerce & Industry)-cum-Incharge, Paddy Procurement Centre, Ramgarh,



P.S. Nautan, District- Siwan. It is alleged that he was entrusted to the task of procuring paddy from various rice mills and ensuring return of milled rice in fixed proportion. The F.I.R. further alleges that certain quantities of paddy were procured by him but there were certain discrepancies, and as such, B.S.F.C. suffered loss of about Rs. 4 lacs. B.S.F.C. had filed the certificate proceedings as well for recovery of the said amount against the petitioner.

Learned counsel for the petitioner submits three points for consideration, Firstly, it is a matter of accounting, is dispute of purely civil nature, and therefore, criminal proceeding would be an abuse of process of Court. Secondly, he submits that for recovery of alleged dues, certificate proceeding has already been initiated. The criminal proceedings were instituted only to pressurize the petitioner for recovery of the money, and thirdly, that money having already been paid in the certificate proceeding, it would be an abuse of the process of Court in pursuing the criminal proceedings, specially, in view of the fact that the petitioner has since superannuated.

Learned counsel for the Corporation does not dispute that in the certificate proceedings, the entire dues, as claimed, have already been deposited. These criminal proceedings were initiated after the certificate proceedings, which had been instituted more to

pressurize the petitioner to pay the money. The money has been fully paid in the certificate proceedings.

Having considered the matter, in the peculiar facts and circumstances, as noted above, it would be an abuse of the process of the Court to let the criminal proceeding be continued in such a situation.

This application is accordingly, allowed, and the criminal proceeding arising out of Nautan (Siwan) P.S. Case No.19 of 2016 dated 09.02.2016 (G.R. No. 487 of 2016) pending in the Court of the Chief Judicial Magistrate, Siwan instituted against the petitioner for the offence under Sections 409 and 420 of the Indian Penal Code is, accordingly, quashed.

(Navaniti Prasad Singh, J.)

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