

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23558 of 2016

Arising Out of PS.Case No. -439 Year- 2012 Thana -JAHANABAD District- JEHANABAD

Prabhat Kumar Singh, son of Sri Sheo Bachan Singh, resident of village/ Mohalla - Seonan, P.S. and District- Jehanabad.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

For the Petitioner : Mr. Khurshid Alam, Advocate.

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 29-09-2016

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, has been filed on behalf of the petitioner to quash the order dated 05.11.2015 passed in Jehanabad P.S. Case No.439 of 2012, whereby the court of the learned Chief Judicial Magistrate, Jehanabad, took the cognizance of the offence under Section 7 of the Essential Commodities Act against the accused-petitioner.

3. Learned counsel for the petitioner submits that it would appear from the First Information Report that the petitioner is not named in the F.I.R. but charge-sheet has been submitted against him.

4. On going through the impugned order, it appears that the learned Chief Judicial Magistrate, Jehanabad, took the cognizance

of the offence under Section 7 of the Essential Commodities Act against the petitioner on perusal of the materials available in the case diary. As such, I find no illegality in the impugned order amounting to abuse of the process of the court for interference with the same in inherent jurisdiction under Section 482 of the Code of Criminal Procedure of this Court.

5. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

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