

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36313 of 2013

Arising Out of PS.Case No. -208 Year- 2002 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

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1. Nand Kishore Sah S/O Late Nageshwar Sah Resident Of Village Kanti Kasba, P.S. Kanti, District Muzaffarpur (Public Distribution System Shopkeeper).

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Dasrath Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 04-04-2017 Heard the learned counsel for the petitioner as well as the learned APP for the State.

This is an application seeking quashing of the order dated 25.09.2012 taking cognizance for the offences under Section 420 IPC and Section 7 of the Essential Commodities Act in Kanti P.S. Case No. 208 of 2002 (G.R. No. 1446 of 2002).

The learned counsel for the petitioner submits that in the instant case, in fact no offence has been committed rather there was simple irregularity and non displaying the notice board, k.oil sale register and stock was not properly maintained and it was not up to date and, accordingly, it has been alleged that the petitioner lifted 7200 liters of k. oil but it is not clear that the same was



distributed amongst the card holders or not. Therefore, it is a case of black marketing. Violation of irregularity is at best an offence under Section 3 (2) (h) (i) of the Essential Commodities Act, punishable under Section 7(i)(a)(I) for the period of one year. There is no dispute that the offence was committed on 24.09.2002 and cognizance was taken on 25.09.2012 whereas, the period prescribed under Section 468 of the Code of Criminal Procedure to take cognizance for such petty offences is one year only.

Learned APP fairly submits that the impugned order is hit by period of limitation as prescribed under Section 468 of the Code of Criminal Procedure.

At this stage alone this criminal miscellaneous application stands allowed and the proceeding before the court below is hereby quashed.

(Jitendra Mohan Sharma, J)

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