

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35593 of 2013

Arising Out of PS.Case No. -295 Year- 2012 Thana -BARARI District- KATIHAR

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1. Pankaj Kumar Jaiswal @ Pankaj Jaiswal S/O- Late Lakhan Bhagat,
Resident Of Vill- Sakraili, P.S- Barai (Semapur), District - Katihar

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-01-2017

The petitioner has preferred this application under Section 482 of the Code of Criminal Procedure for quashing order dated 30.3.2013 passed in Barari/Semapur P.S.Case No.295 of 2012 G.R. No.4410 of 2012 by the S.D.J.M., Katihar, by which he was pleased to take cognizance for the offence under Section 07 of the E.C. Act against the petitioner.

The prosecution story in short is that a written report was filed by the Informant-Block Agricultural Officer, Barai alleging that one Moni Jaiswal is licensee and on the instruction of the District Agricultural Officer, Katihar, the informant along with Subject Matter Specialist and Officer-in-charge raided the godown of the petitioner and seized fertilizer.



On the basis of the same, the present case has been registered and the police after investigation submitted charge-sheet against the petitioner.

Later on, after investigation, the police had submitted charge-sheet in this case, on the basis of which, the cognizance has been taken against the petitioner vide order dated 30.3.2013 passed in Barari/Semapur P.S. Case no.295 of 2012 G.R. No.4410 of 2012 by the S.D.J.M., Katihar. The petitioner has challenged the aforesaid order taking cognizance in this case.

The main contention of the petitioner is that in the F.I.R., there is no allegation against the petitioner of violation of any condition or cause or violation of order made under Section 3 (2)(h)(i) of the E.C. Act and secondly, it has been submitted on behalf of the petitioner that the petitioner is not licensee in this case rather his wife is licensee.

Heard learned A.P.P. also.

Having heard both sides and after perusal of the records, at present I am not inclined to interfere, as the petitioner can raise all these points at the time of framing of charges or substance of accusation before the court below. Once such petition will be



filed by the petitioner, the learned court below has to decide the objection raised by the petitioner and dispose of the such application, if any filed by the petitioner, by passing a reasoned order.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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