

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7506 of 2014

Arising Out of PS.Case No. -99 Year- 2010 Thana -PHULWARI District- PATNA

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Rabindra Singh Son Of Late Yadunath Saran Singh R/O Road No. 1, Rajendra Nagar, P.S.- Kadamkuan, District - Patna.

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar, Advocate

For the State : Mr. Rajendra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-07-2017

The petitioner has filed this application under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of order dated 20.6.2012 passed by learned S.D.J.M., Patna in Phulwari Sharif P.S. Case No.99 of 2010 whereby he has taken cognizance of the offence under section 7 of the Essential Commodities Act read with Sections 34 and 120 of the Indian Penal Code.

2. The prosecution case in brief as per the written information filed by the Police Inspector alleging therein that pursuant to a news item in local daily news paper relating to selling of LPG in black market in Phulwari Sharif went to the agency of the petitioner to make enquiry and recorded statement of a consumer and disclosed that LPG was not given in due time and the vendor takes extra money



for delivery in the house. 4-5 persons also complained that some extra money is charged and LPG Cylinder is not provided in time.

3. Learned counsel appearing on behalf of the petitioner submits that the entire evidence collected during investigation does not show that the petitioner owner of LPG Gas Agency violated any order of the Essential Commodities Act except the statement of one consumer recorded in paragraph-10 of the case diary that some extra money is charged there is no other material against him rather consumers stated that LPG is distributed in time and no extra money is charged. There is no complaint lodged by consumer either before the police authority or to Indian Oil Corporation agency of the petitioner charges extra money or gas cylinder is not delivered in time.

4. It is also submitted that F.I.R. was registered merely on the basis of newspaper report; the newspaper report appeared on 17.1.2010, written information was given on 4.2.2010 and F.I.R. was lodged on 25.2.2010 and there is no allegation of finding any irregularity in the stock register, sale register, display board. Moreover, there is no allegation of contravention of any order under Section 7 of the E.C. Act.

5. I perused the entire case diary and in fact there is no any evidence during investigation with regard to taking extra charges



or money relating to the price of the cylinder. In fact, the allegation is that the vendor takes extra money for delivery to home for taking the cylinder from the road inside his home.

6. Having regard to rival submissions, the evidence collected in the case diary, no prima facie case under Section 7 of the E.C. Act is made out so cognizance order dated 20.6.2012 passed by learned S.D.J.M., Patna in Phulwari Sharif P.S. Case no.99 of 2010 and subsequent criminal proceeding is quashed.

7. In the result, this application is allowed.

(Arun Kumar, J)

N.H./-

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